To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2017-12-08T07:20:14-05:00

Importance: Normal

Subject: Re: Meeting Request for Mr. Todd Willens **Received:** 2017-12-08T07:20:16-05:00

Good morning Holly,

I hope you haven't sent the calendar invite to the attendees. The Thursday, Dec 14, 1:00 p.m. meeting time I offered just got bumped by the Deputy Secretary's schedule.

Todd has now been required to attend a meeting with the Deputy Secretary.

The next available times are: Monday, Dec 18, 1:00 Thursday, Dec 21, 11:00 and 1:00

As soon as possible, please let me know which time works best for your group because I have not put a hold on any of the above times.

Thank you. Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Dec 7, 2017 at 5:30 PM, Noles, Holly A. <HNOLES@bhfs.com> wrote:

Hi Cathy- I'm about to send out the calendar invite to the attendees and I just wanted to make sure were are locked in for this time. Thank you!

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, December 05, 2017 4:34 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Hi Holly,

Please let me know if your group can make a 1:00 p.m. meeting on Thursday, Dec 14. Todd would like to invite Dan Jorjani (SOL) and Jason Larrabee (AS/FWP) and this is the only block of time when all three are available.

Thanks!

Cathy

Catherine Gulac

U.S. Department of the Interior

Office of the Deputy Secretary

1849 C St, NW, MS 7328

Washington, D.C. 20240

202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

On Tue, Dec 5, 2017 at 3:32 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

The purpose of the meeting is to discuss a superconducting magnetic levitation train in the Northeast Corridor, starting in DC. It would be an overview of the project as well as a discussion about a preliminary alternatives report that will be coming out soon. They have met with local, on the ground National Park Service personnel.

Holly Noles

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202.652.2352 tel

HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, December 05, 2017 3:19 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Hi Holly,

What is the purpose of the meeting and have they worked with anyone else/bureau/office at DOI?

Thanks.

Cathy

Catherine Gulac

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The Northeast Maglev

Jeffrey Hirschberg

Ian Rainey

David Henley

Brownstein Hyatt Farber Schreck

Luke Johnson

If you need any other information please let me know. Thank you for your help with this.

-Holly

Holly Noles

Executive Assistant

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1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-05T22:31:48-05:00

Importance: Normal

Subject: Read: Re: Meeting Request for Mr. Todd Willens

Received: 2017-12-05T22:31:57-05:00 Read: Re: Meeting Request for Mr. Todd Willens

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-05T22:31:48-05:00

Importance: Normal

Subject: Read: Re: Meeting Request for Mr. Todd Willens

Received: 2017-12-05T22:31:49-05:00

Your message

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Sent: Tuesday, December 05, 2017 4:34:21 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, December 05, 2017 10:31:48 PM (UTC-05:00) Eastern Time (US & Canada).

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-07T09:21:34-05:00

Importance: Normal

Subject: RE: Meeting Request for Mr. Todd Willens **Received:** 2017-12-07T09:21:51-05:00

Hi Cathy- We will take 1PM. Thank you for your help in setting this up.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, December 05, 2017 4:34 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Hi Holly,

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To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

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If you need any other information please let me know. Thank you for your help with this.

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202.652.2352 tel

HNOLES@bhfs.com

(303)-223-1300 and delete the message. Thank you.

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-07T17:30:32-05:00

Importance: Normal

Subject: RE: Meeting Request for Mr. Todd Willens **Received:** 2017-12-07T17:31:17-05:00

Hi Cathy- I'm about to send out the calendar invite to the attendees and I just wanted to make sure were are locked in for this time. Thank you!

Holly Noles

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From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, December 05, 2017 4:34 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

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prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-05T15:32:38-05:00

Importance: Normal

Subject: RE: Meeting Request for Mr. Todd Willens **Received:** 2017-12-05T15:32:51-05:00

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Sent: Tuesday, December 05, 2017 3:19 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

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To: 'catherine_gulac@ios.doi.gov'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-05T15:16:25-05:00

Importance: Normal

Subject: Meeting Request for Mr. Todd Willens **Received:** 2017-12-05T15:16:40-05:00

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1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2017-12-05T16:34:21-05:00

Importance: Normal

Subject: Re: Meeting Request for Mr. Todd Willens **Received:** 2017-12-05T16:34:28-05:00

Hi Holly,

Please let me know if your group can make a 1:00 p.m. meeting on Thursday, Dec 14. Todd would like to invite Dan Jorjani (SOL) and Jason Larrabee (AS/FWP) and this is the only block of time when all three are available.

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Washington, D.C. 20240
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Executive Assistant **Brownstein Hyatt Farber Schreck, LLP**1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2017-12-05T15:19:16-05:00

Importance: Normal

Subject: Re: Meeting Request for Mr. Todd Willens **Received:** 2017-12-05T15:19:23-05:00

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1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Noles, Holly A.

Location: Call (b) (5) Participant Code (b) (5) JCason's Leader Code (b) (5)

Importance: Normal

Subject: Accepted: Invitation: Phone Call - Taylor Energy @ Fri Dec 1, 2017 1:30pm - 2pm (EST)

(hnoles@bhfs.com)

Start Date/Time: 2017-12-01T13:30:00-05:00 **End Date/Time:** 2017-12-01T14:00:00-05:00

From: Noles, Holly A.

Location: Call (b) (5) Participant Code (b) (5) JCason's Leader Code (b) (5)

Importance: Normal

Subject: Accepted: Invitation: Phone Call - Taylor Energy @ Fri Dec 1, 2017 1:30pm - 2pm (EST)

(hnoles@bhfs.com)

Start Date/Time: 2017-12-01T13:30:00-05:00 **End Date/Time:** 2017-12-01T14:00:00-05:00

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov] From: Waterman, Ryan R. Sent: 2017-10-16T14:32:40-04:00 Importance: Normal Subject: RE: Coordinating with Acting Solicitor General Jorjani Received: 2017-10-16T14:32:48-04:00 Great, thanks Gareth! Best regards, Ryan R. Waterman Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel rwaterman@bhfs.com | Bio | vCard | www.bhfs.com Subscribe to our Water blog at water.bhfs.com **From:** Rees, Gareth [mailto:gareth rees@ios.doi.gov] **Sent:** Monday, October 16, 2017 11:24 AM To: Waterman, Ryan R. Cc: Caminiti, Mariagrazia Subject: Re: Coordinating with Acting Solicitor General Jorjani Ryan Was happy to be of assistance. I have copied Marigrace from Dan's office and she should be able to provided everything you need. Thanks Gareth On Mon, Oct 16, 2017 at 11:38 AM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote: Gareth, Thank you again for your help last week transitioning the hotel accommodations to Mr. Jorjani. I sincerely appreciate it. If you are not the appropriate contact for Mr. Jorjani, can you please direct me to his assistant? I need to get the following information for Mr. Jorjani: biography picture contact information, including address, email and cell

Thanks in advance for your assistance!

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

<u>rwaterman@bhfs.com</u> | <u>Bio</u> | <u>vCard</u> | <u>www.bhfs.com</u> <u>Subscribe to our Water blog at water.bhfs.com</u>

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

Cc: Caminiti, Mariagrazia[Marigrace.Caminiti@sol.doi.gov] From: Rees, Gareth Sent: 2017-10-16T14:23:30-04:00
mportance: Normal Subject: Re: Coordinating with Acting Solicitor General Jorjani Received: 2017-10-16T14:23:37-04:00
Ryan Was happy to be of assistance. I have copied Marigrace from Dan's office and she should be able to provided everything you need.
Γhanks
Gareth
On Mon, Oct 16, 2017 at 11:38 AM, Waterman, Ryan R. < <u>rwaterman@bhfs.com</u> > wrote:
Gareth,
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If you are not the appropriate contact for Mr. Jorjani, can you please direct me to his assistant? I need to get the following information for Mr. Jorjani:
□ biography
□ picture
□ contact information, including address, email and cell
Thanks in advance for your assistance!
Best regards,

Waterman, Ryan R.[rwaterman@bhfs.com]

To:

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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Gareth C. Rees

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U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov] From: Waterman, Rvan R. 2017-10-16T11:38:43-04:00 Sent: Importance: Normal **Subject:** Coordinating with Acting Solicitor General Jorjani Received: 2017-10-16T11:38:55-04:00 Gareth, Thank you again for your help last week transitioning the hotel accommodations to Mr. Jorjani. I sincerely appreciate it. If you are not the appropriate contact for Mr. Jorjani, can you please direct me to his assistant? I need to get the following information for Mr. Jorjani: biography picture contact information, including address, email and cell Thanks in advance for your assistance! Best regards, Ryan R. Waterman Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

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rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

Subscribe to our Water blog at water.bhfs.com

To: McQuarrie, A.J.[LMcQuarrie@bhfs.com]

From: Rees, Gareth

Sent: 2017-10-11T15:32:38-04:00

Importance: Normal

Subject: Re: Please schedule a call with David Bernhardt today

Received: 2017-10-11T15:32:44-04:00

Hi A.J.

David is in back to back meetings but I have wheels turning to try and find an appropriate surrogate for David. I will be in touch today as soon as I know anything.

Gareth

On Wed, Oct 11, 2017 at 3:22 PM, McQuarrie, A.J. < <u>LMcQuarrie@bhfs.com</u>> wrote:

Hi, Gareth. Any news on finding another time slot today for this call?

A.J. McQuarrie

Executive Assistant 619.702.6915 tel LMcQuarrie@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov] **Sent:** Wednesday, October 11, 2017 10:43 AM

To: Waterman, Ryan R. **Cc:** McQuarrie, A.J.

Subject: Re: Please schedule a call with David Bernhardt today

Hi,

David may be available at 2pm eastern, would that possibly work? What would be the best number for him to call?

Thanks

Gareth

On Wed, Oct 11, 2017 at 1:21 PM, Waterman, Ryan R. < rwaterman@bhfs.com > wrote:

AJ and Gareth, can you please set up a time for David and I to talk, preferably today?

Gareth, we need to know right away whether David has a replacement in mind for his keynote and his place on the *Cooperative Federalism and Water Resources under the Trump Administration* panel, or whether we need to identify new people to fill those slots.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670

San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

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Fax: 202-208-1873

Cell: (b) (6)

To: Waterman, Ryan R.[rwaterman@bhfs.com]
Cc: McQuarrie, A.J.[LMcQuarrie@bhfs.com]

From: Rees, Gareth

Sent: 2017-10-11T14:07:01-04:00

Importance: Normal

Subject: Re: Please schedule a call with David Bernhardt today

Received: 2017-10-11T14:07:07-04:00

David is still in a meeting. I will be in contact asap. Thanks

On Wed, Oct 11, 2017 at 1:43 PM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote:

Yes, that works. David can call me at my desk: 619.702.7569.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov] **Sent:** Wednesday, October 11, 2017 10:43 AM

To: Waterman, Ryan R. **Cc:** McQuarrie, A.J.

Subject: Re: Please schedule a call with David Bernhardt today

Hi,

David may be available at 2pm eastern, would that possibly work? What would be the best number for him to call?

Thanks

Gareth

On Wed, Oct 11, 2017 at 1:21 PM, Waterman, Ryan R. < rwaterman@bhfs.com > wrote:

AJ and Gareth, can you please set up a time for David and I to talk, preferably today?

Gareth, we need to know right away whether David has a replacement in mind for his keynote and his place on the *Cooperative Federalism and Water Resources under the Trump Administration* panel, or whether we need to identify new people to fill those slots.

Best regards,

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

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Cell: (b) (6)

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Tel: 202-208-6291

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Cell: (b) (6)

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]
Cc: McQuarrie, A.J.[LMcQuarrie@bhfs.com]

From: Waterman, Ryan R.

Sent: 2017-10-11T14:07:47-04:00

Importance: Normal

Subject: RE: Please schedule a call with David Bernhardt today

Received: 2017-10-11T14:08:12-04:00

I'm here until 3:10 eastern. Then available again after 5 pm eastern.

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Wednesday, October 11, 2017 11:07 AM

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Subject: Re: Please schedule a call with David Bernhardt today

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Sent: Wednesday, October 11, 2017 10:43 AM

To: Waterman, Ryan R. **Cc:** McQuarrie, A.J.

Subject: Re: Please schedule a call with David Bernhardt today

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Fax: 202-208-1873

Cell: (b) (6)

To: 'Robledo, Kristina'[Kristina.Robledo@calbar.ca.gov]; 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-10-11T18:59:01-04:00

Importance: Normal

Subject: RE: Tenaya Lodge room for Mr. Jorjani **Received:** 2017-10-11T19:00:04-04:00

Hi Kristina, Gareth got this straightened out. No action needed.

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Robledo, Kristina [mailto:Kristina.Robledo@calbar.ca.gov]

Sent: Wednesday, October 11, 2017 3:58 PM

To: Waterman, Ryan R.; 'Rees, Gareth'

Subject: RE: Tenaya Lodge room for Mr. Jorjani

Yes I will take care of the room for Mr. Jorjani, please let me know which nights you will need.

--

Kristina Robledo | Section Coordinator

Office of Education

The State Bar of California | 180 Howard St. | San Francisco, CA 94105

415.538.2467 | Kristina.Robledo@calbar.ca.gov

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From: Waterman, Ryan R. [mailto:rwaterman@bhfs.com]

Sent: Wednesday, October 11, 2017 3:01 PM

To: 'Rees, Gareth' **Cc:** Robledo, Kristina

Subject: Tenaya Lodge room for Mr. Jorjani

Importance: High

Gareth,

This is a detail I'm sure you've got covered, but I want to make sure that Asst. Sec. Bernhardt's room is being transferred to Mr. Jorjani's name. The hotel has a waiting list now (no rooms available), so if you release David's room, it's possible Mr. Jorjani will not be able to get a room at the hotel.

Please let me know if you have any issues with this!

Best regards,

Ryan R. Waterman

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To: McQuarrie, A.J.[LMcQuarrie@bhfs.com]

From: Rees, Gareth

Sent: 2017-10-11T17:46:27-04:00

Importance: Normal

Subject: Re: Please schedule a call with David Bernhardt today

Received: 2017-10-11T18:43:25-04:00

A.J.

I believe you may have just spoke to Todd Willens, our Assistant Deputy Secretary. I just wanted to let you know that we have asked Daniel Jorjani, the Acting Solicitor to attend on David's behalf and he has confirmed he can attend. I just wanted to give you a heads up and will get you any information you need and can put you in touch with his office.

Thanks

Gareth

On Wed, Oct 11, 2017 at 3:32 PM, Rees, Gareth <gareth rees@ios.doi.gov> wrote:

Hi A.J.

David is in back to back meetings but I have wheels turning to try and find an appropriate surrogate for David. I will be in touch today as soon as I know anything.

Gareth

On Wed, Oct 11, 2017 at 3:22 PM, McQuarrie, A.J. < <u>LMcQuarrie@bhfs.com</u>> wrote:

Hi, Gareth. Any news on finding another time slot today for this call?

A.J. McQuarrie

Executive Assistant 619.702.6915 tel LMcQuarrie@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov] **Sent:** Wednesday, October 11, 2017 10:43 AM

To: Waterman, Ryan R. **Cc:** McQuarrie, A.J.

Subject: Re: Please schedule a call with David Bernhardt today
Hi,
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Gareth
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Gareth, we need to know right away whether David has a replacement in mind for his keynote and his place on the <i>Cooperative Federalism and Water Resources under the Trump Administration</i> panel, or whether we need to identify new people to fill those slots.
Best regards,
Ryan R. Waterman Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel (b) (6) cell rwaterman@bhfs.com Bio vCard www.bhfs.com

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To: Waterman, Ryan R.[rwaterman@bhfs.com]

Cc: Robledo, Kristina[Kristina.Robledo@calbar.ca.gov]

From: Rees, Gareth

Sent: 2017-10-11T18:15:34-04:00

Importance: Normal

Subject: Re: Tenaya Lodge room for Mr. Jorjani **Received:** 2017-10-11T18:16:36-04:00

All taken care of. Hotel room should now be under Daniel Jorjani

On Wed, Oct 11, 2017 at 6:07 PM, Waterman, Ryan R. <rwaterman@bhfs.com> wrote:

I suggest calling them immediately and telling them you want that room to be transferred to Mr. Jorjani. Let us know if you run into a problem and we can interact with the hotel on your behalf.

Ryan R. Waterman

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rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Wednesday, October 11, 2017 3:04 PM

To: Waterman, Ryan R. **Cc:** Robledo, Kristina

Subject: Re: Tenaya Lodge room for Mr. Jorjani

Ryan,

I just received the email below without reaching out to them

October 11, 2017

U.S. Department Of The Interior
1849 C Street, Nw
Washington, DC 20240
Dear Mr. Bernhardt:
Per your request, we have canceled your reservation. Your refund will be issued as paid. If payment was by credit card, a credit will appear on your next statement. If payment was by check, expect a check under separate cover.
Reservation Number: 31B9JJ
Room Type: Premium 2 Queen
Arrival Date: Thursday, October 19, 2017
Departure Date: Saturday, October 21, 2017
We appreciate your interest in visiting the Tenaya Lodge at Yosemite and look forward to serving your lodging needs in the future.
Warmest regards,
Tenaya Reservations Department
Tenaya Lodge at Yosemite
Hospitality by Delaware North Parks and Resorts
http://www.TenayaLodge.com/
On Wed, Oct 11, 2017 at 6:01 PM, Waterman, Ryan R. < <u>rwaterman@bhfs.com</u> > wrote:
Gareth,

David Bernhardt

This is a detail I'm sure you've got covered, but I want to make sure that Asst. Sec. Bernhardt's room is being transferred to Mr. Jorjani's name. The hotel has a waiting list now (no rooms available), so if you release David's room, it's possible Mr. Jorjani will not be able to get a room at the hotel.

Please let me know if you have any issues with this!

Best regards,

Ryan R. Waterman

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Fax: 202-208-1873

To: Waterman, Ryan R.[rwaterman@bhfs.com]

Cc: Robledo, Kristina[Kristina.Robledo@calbar.ca.gov]

From: Rees, Gareth

Sent: 2017-10-11T18:04:02-04:00

Importance: Normal

Subject: Re: Tenaya Lodge room for Mr. Jorjani **Received:** 2017-10-11T18:25:48-04:00

Ryan,

I just received the email below without reaching out to them

October 11, 2017

David Bernhardt U.S. Department Of The Interior 1849 C Street, Nw Washington, DC 20240

Dear Mr. Bernhardt:

Per your request, we have canceled your reservation. Your refund will be issued as paid. If payment was by credit card, a credit will appear on your next statement. If payment was by check, expect a check under separate cover.

Reservation Number: 31B9JJ Room Type: Premium 2 Queen

Arrival Date: Thursday, October 19, 2017 Departure Date: Saturday, October 21, 2017

We appreciate your interest in visiting the Tenaya Lodge at Yosemite and look forward to serving your lodging needs in the future.

Warmest regards,

Tenaya Reservations Department
Tenaya Lodge at Yosemite
Hospitality by Delaware North Parks and Resorts
http://www.TenayaLodge.com/

On Wed, Oct 11, 2017 at 6:01 PM, Waterman, Ryan R. < rwaterman@bhfs.com > wrote:

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Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

Cc: Robledo, Kristina[Kristina.Robledo@calbar.ca.gov]

From: Waterman, Ryan R.

Sent: 2017-10-11T18:16:23-04:00

Importance: Normal

Subject: RE: Tenaya Lodge room for Mr. Jorjani **Received:** 2017-10-11T18:17:30-04:00

Perfect, thanks for your quick action on this!

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Wednesday, October 11, 2017 3:16 PM

To: Waterman, Ryan R. **Cc:** Robledo, Kristina

Subject: Re: Tenaya Lodge room for Mr. Jorjani

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Sent: Wednesday, October 11, 2017 3:04 PM

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To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

Cc: Robledo, Kristina[Kristina.Robledo@calbar.ca.gov]

From: Waterman, Ryan R.

Sent: 2017-10-11T18:07:29-04:00

Importance: Normal

Subject: RE: Tenaya Lodge room for Mr. Jorjani **Received:** 2017-10-11T18:17:04-04:00

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Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel



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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Wednesday, October 11, 2017 3:04 PM

To: Waterman, Ryan R. **Cc:** Robledo, Kristina

Subject: Re: Tenaya Lodge room for Mr. Jorjani

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Warmest regards,

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To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

Cc: Robledo, Kristina[Kristina.Robledo@calbar.ca.gov]

From: Waterman, Ryan R.

Sent: 2017-10-11T18:01:11-04:00

Importance: High

Subject: Tenaya Lodge room for Mr. Jorjani **Received:** 2017-10-11T18:09:45-04:00

Gareth,

This is a detail I'm sure you've got covered, but I want to make sure that Asst. Sec. Bernhardt's room is being transferred to Mr. Jorjani's name. The hotel has a waiting list now (no rooms available), so if you release David's room, it's possible Mr. Jorjani will not be able to get a room at the hotel.

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To: Waterman, Ryan R.[rwaterman@bhfs.com]
Cc: McQuarrie, A.J.[LMcQuarrie@bhfs.com]

From: Rees, Gareth

Sent: 2017-10-11T13:42:31-04:00

Importance: Normal

Subject: Re: Please schedule a call with David Bernhardt today

Received: 2017-10-11T13:42:37-04:00

Hi,

David may be available at 2pm eastern, would that possibly work? What would be the best number for him to call?

Thanks

Gareth

On Wed, Oct 11, 2017 at 1:21 PM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote:

AJ and Gareth, can you please set up a time for David and I to talk, preferably today?

Gareth, we need to know right away whether David has a replacement in mind for his keynote and his place on the *Cooperative Federalism and Water Resources under the Trump Administration* panel, or whether we need to identify new people to fill those slots.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cel

<u>rwaterman@bhfs.com</u> | <u>Bio</u> | <u>vCard</u> | <u>www.bhfs.com</u>

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: McQuarrie, A.J.

Sent: 2017-10-11T15:22:08-04:00

Importance: Normal

Subject: RE: Please schedule a call with David Bernhardt today

Received: 2017-10-11T15:23:16-04:00

Hi, Gareth. Any news on finding another time slot today for this call?

A.J. McQuarrie

Executive Assistant 619.702.6915 tel LMcQuarrie@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Wednesday, October 11, 2017 10:43 AM

To: Waterman, Ryan R. Cc: McQuarrie, A.J.

Subject: Re: Please schedule a call with David Bernhardt today

Hi,

David may be available at 2pm eastern, would that possibly work? What would be the best number for him to call?

Thanks

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]
Cc: McQuarrie, A.J.[LMcQuarrie@bhfs.com]

From: Waterman, Ryan R.

Sent: 2017-10-11T13:43:44-04:00

Importance: Normal

Subject: RE: Please schedule a call with David Bernhardt today

Received: 2017-10-11T13:44:12-04:00

Yes, that works. David can call me at my desk: 619.702.7569.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

 $\underline{\text{rwaterman@bhfs.com}} \hspace{0.1cm} | \hspace{0.1cm} \underline{\text{Bio}} \hspace{0.1cm} | \hspace{0.1cm} \underline{\text{www.bhfs.com}} \hspace{0.1cm}$

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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Wednesday, October 11, 2017 10:43 AM

To: Waterman, Ryan R. **Cc:** McQuarrie, A.J.

Subject: Re: Please schedule a call with David Bernhardt today

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Thanks

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Best regards,

Ryan R. Waterman

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: McQuarrie, A.J.[LMcQuarrie@bhfs.com]; 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-10-11T13:21:24-04:00

Importance: High

Subject: Please schedule a call with David Bernhardt today

Received: 2017-10-11T13:21:32-04:00

AJ and Gareth, can you please set up a time for David and I to talk, preferably today?

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(b) (6) cell

<u>rwaterman@bhfs.com</u> | <u>Bio</u> | <u>vCard</u> | <u>www.bhfs.com</u> <u>Subscribe to our Water blog at water.bhfs.com</u>

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To: Gareth Rees[Gareth_Rees@ios.doi.gov]

From: Brownstein Communications Sent: 2017-10-05T15:00:00-04:00

Importance: Normal

Subject: Brownstein Government Relations Podcast Series: EERS Update

Received: 2017-10-05T15:00:12-04:00

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Jon Hrobsky and Luke Johnson, co-chairs of Brownstein's Energy, Environment & Resource Strategies Group, along with recent addition Shareholder Bill McGrath discuss how they use their experience to provide legal and legislative solutions to natural resource and environment issues. They also touch on CEQ and NEPA, as well as their thoughts on what will be the biggest energy and natural resources topics leading up to the end of the year.

Brownstein's Podcast Series is now available for listening on Stitcher,

Pocket Casts iTunes and TuneIn

Jon Hrobsky

Policy Director

jhrobsky@bhfs.com

202.872.5294

William J. McGrath

Shareholder

wmcgrath@bhfs.com

202.383.4703

Luke D. Johnson

Policy Director

ldjohnson@bhfs.com

202.747.0513

Mark Begich

Strategic Advisor

mbegich@bhfs.com

202-652-2351 Ext. 1037

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To: Waterman, Ryan R.[rwaterman@bhfs.com]

From: Rees, Gareth

Sent: 2017-09-25T12:59:11-04:00

Importance: Normal

Subject: Re: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

Received: 2017-09-25T12:59:18-04:00

Ryan,

Thanks for all the information and sorry for the lack of response. things are a little crazy here at the moment and being a little short staffed makes things even more fun. I do not believe that Deputy Secretary Bernhardt plans to us a PowerPoint but I will triple check that for you. We are still working on his plans while attending the conference but hope to have some more details soon.

Thanks

Gareth

On Mon, Sep 25, 2017 at 12:50 PM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote:

Gareth,

I'm following up about Dep. Sec. Bernhardt's keynote address to the Yosemite Environmental Law Conference, on Friday, October 20.

Tomorrow, Sept. 26, is the deadline for submitting a powerpoint presentation if Dep. Sec. Bernhardt would like to use one in his presentation. A powerpoint presentation is not required, however.

Finally, has Dep. Sec. Bernhardt's plans for the conference been finalized?

Best regards,

Ryan R. Waterman Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670 San Diego, CA 92101 619,702,7569 tel

(b) (6) cell rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Waterman, Ryan R.

Sent: Tuesday, September 05, 2017 10:11 AM

To: 'Rees, Gareth'

Subject: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

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You can send the presentation materials to me, and I will get them to the Bar. If the materials are > 30MB in size, then I can send you a file transfer link that you can use to upload the presentation. Just let me know what you need.

Finally, do you know if Dep. Sec. Bernhardt will be staying over Friday night at the Tenaya Lodge? Several of his former Brownstein colleagues would be interested in having dinner if he is not otherwise occupied. I know that my family will come to dinner, so if his family is coming to the conference as well they would be very welcome.

Best regards,

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: Gareth Rees[Gareth_Rees@ios.doi.gov]

From: Brownstein Communications Sent: 2017-10-04T13:57:04-04:00

Importance: Normal

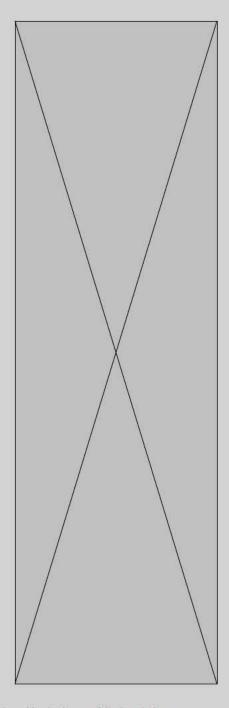
Subject: Brownstein Announces New Leadership and New Shareholder to its Energy, Environment &

Resource Strategies Group

Received: 2017-10-04T13:57:18-04:00

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Brownstein Announces New Leadership and New Shareholder to its Energy, Environment & Resource Strategies Group



Brownstein Hyatt Farber Schreck is pleased to announce that Jon Hrobsky and Luke Johnson, both policy directors, will lead the firm's Energy, Environment & Resource Strategies (EERS) Group. The EERS Group also added William "Bill" McGrath, shareholder, to its roster. He has substantial depth in natural resources matters and extensive experience in project reviews and approvals and congressional oversight.

"Jon and Luke's experience with these issues make them ideal candidates to lead our EERS team driving these highly complex matters toward successful permitting and approval outcomes for our clients," said Adam Agron, Brownstein's managing partner. "We have found that the multidisciplinary approach of the EERS team provides a distinct advantage for our clients."

Hrobsky's extensive experience at the Department of the Interior in the Office of the Secretary and as the deputy director for policy and planning of the U.S. Minerals Management Service gives Jon an unmatched perspective from which to counsel his clients. Hrobsky is well versed in the nuances of policy and politics that affect his clients. He has played a key role in crafting policy and shaping legislation for some of the major issues affecting energy production and natural resources in the United States. He works on matters across the energy, environment and natural resources spectrum—from oil and gas, renewable energy, utilities, water and mining, to clean air, public lands and the Endangered Species Act.

Johnson is a former deputy director for policy and programs and chief of staff for the Bureau of Land Management. He also previously served as chief of congressional and legislative affairs for the Bureau of Reclamation and served as a senior advisor on natural resource issues in the U.S. Senate and the U.S. House Committee on Natural Resources. On behalf of his clients, he provides sophisticated analysis and strategy in achieving key project permitting and approvals, as well as regulatory and legislative outcomes within key executive branch agencies and the Congress.

Most recently, McGrath served as staff director for the Interior, Energy and Environment Subcommittee of the House Oversight and Government Reform Committee, where he worked on some of the country's most high-profile natural resources matters. For example, he led oversight efforts regarding the promulgation of numerous U.S. Environmental Protection Agency and U.S. Department of the Interior regulations, including the renewable fuel standard and the clean water rule, and served as the lead investigator into numerous other natural resource matters. He also served as legislative counsel for Safari Club International (SCI) where he represented SCI in environmental and Administrative Procedures Act cases involving the Endangered Species Act, the National Environmental Policy Act, and the Federal Land Policy and Management Act and developed various policy positions. McGrath earned his law degree from the George Mason University Antonin Scalia Law School and his bachelor's degrees at Williams College.

Jon Hrobsky Policy Director jhrobsky@bhfs.com 202.872.5294

William J. McGrath Shareholder wmcgrath@bhfs.com 202.383.4703 Luke D. Johnson Policy Director Idjohnson@bhfs.com 202.747.0513 Edit your subscription | Unsubscribe

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-09-25T12:59:54-04:00

Importance: Normal

Subject: RE: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

Received: 2017-09-25T13:00:07-04:00

Great, thanks for the follow up.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Monday, September 25, 2017 9:59 AM

To: Waterman, Ryan R.

Subject: Re: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

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225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Waterman, Ryan R.

Sent: Tuesday, September 05, 2017 10:11 AM

To: 'Rees, Gareth'

Subject: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

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(**b**) (**6**) cell

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-08-10T16:32:17-04:00

Importance: Normal Subject: RE: Quick Question

Received: 2017-08-10T18:26:28-04:00

20170802132352427.pdf 20170802132330358.pdf

What you are looking for should be on these documents I scanned. Let me know if there is something you do not see.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 10, 2017 12:52 PM

To: Noles, Holly A.

Subject: Re: Quick Question

That would be great. Thanks

On Thu, Aug 10, 2017 at 12:48 PM, Noles, Holly A. < HNOLES@bhfs.com> wrote: I do. I need to step out for a minute this afternoon but will have it to you by the end of the day. Does that work?

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200

Washington, DC 20004
202.652.2352 tel

HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 10, 2017 12:48 PM

To: Noles, Holly A. **Subject:** Quick Question

Hi Holly

Hope all is going well. Do you happen to have a list of David's frequent flyer numbers, hotels, rental cars etc?

Thanks

--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

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Gareth C. Rees

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U.S. Department of the Interior

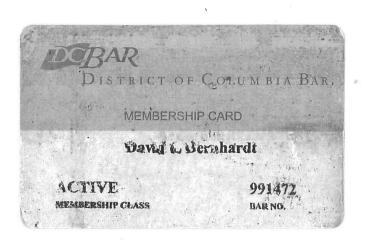
Tel: 202-208-6291

Fax: 202-208-1873

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DAVID LONGLY BERNHARDT

BAR NO.: 24475 ADMISSIONS DATE May 7, 2012







State of Colorado

ATTORNEY REGISTRATION

This is to certify that

- 2012

DAVID LONGLY BERNHARDT

24475

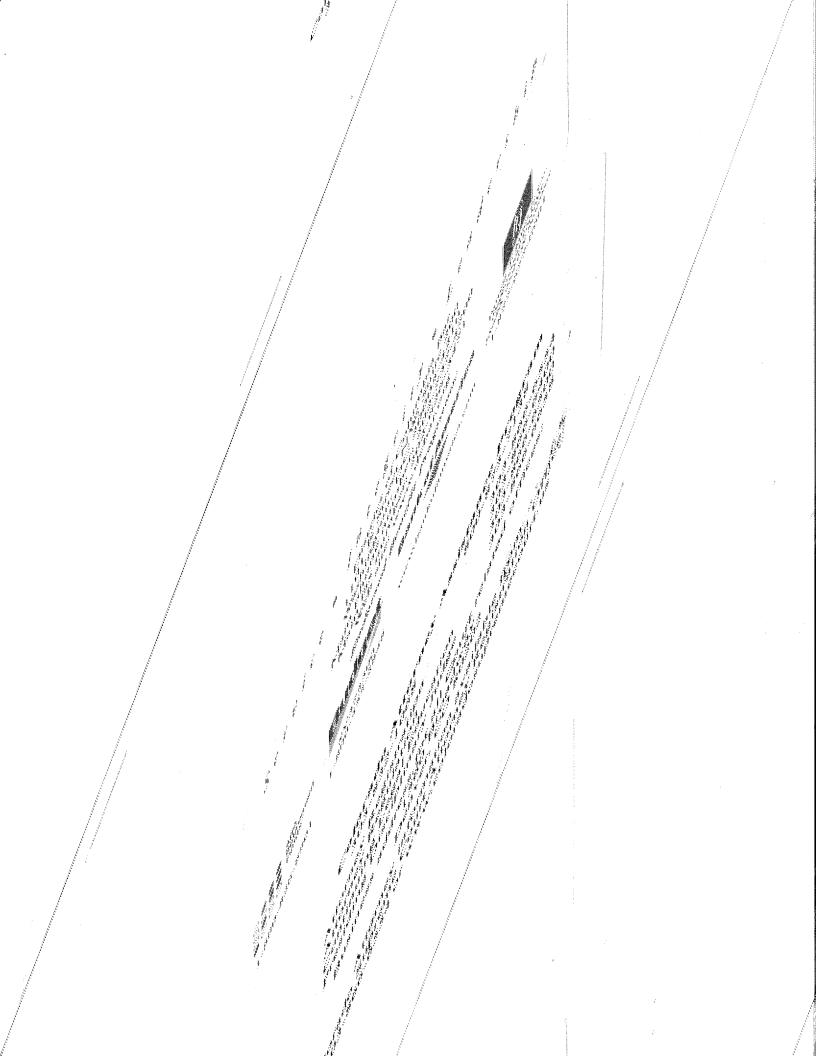
is on the roll of attorneys eligible to practice law in the state of Colorado.

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Christopher T. Ryan

Clerk of the Supreme Court



Full Name: David Longly Bernhardt Job Title: Shareholder 1350 I Street, NW **Business Address:** Suite 510 Washington, DC 20005 Email: dbernhardt@bhfs.com (202) 872-5286 **Business Phone (Direct):** (202) 729-3445 Business Fax (Direct to computer): Cell Phone: Conference Calling/Global Crossing: Dial-In: (b) (5) Access Code: (b) (5) Chairman's Code: Time Keeper # (for expense reports): Date of Birth: Spouse: Spouse Date of Birth: Children: Home Address: Credit Card:

Travel Preferences:

- Prefers aisle (or window)-NO middle seats
- · Prefers to fly United
- Prefers to fly out of DCA or Dulles
 Always book refundable for David

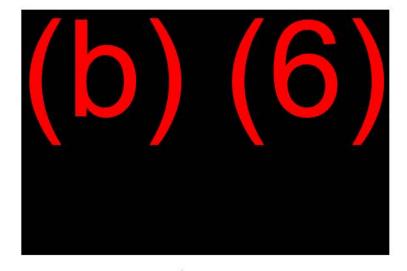
United Frequent Flyer #:







Lawyers Travel: Log on: (b) (6) Password: (b) (6) (*FYI if you need this for any reason.) ID: (b) (6) LD-203: Password: (b) (6 024475 (Colorado, admitted 10/1/1994) and Bar Number: 9th Circuit District Court, and U.S. District Court for District of Columbia DC Bar Number: 991472 (Admitted, 12/7/2009) Username: 991472 DC Bar Website: Password: (b) (6) **030729** (Admitted, 11/13/2013) AZ Bar Number: AZ Bar Website: Username: (b) (6) Password: 9th Circuit Court ECF: Username: (b) (6) Password:(b) U.S. District Court for District of Columbia ECF: Username: Password: (case sensitive) **Bush Cheney Alumni:** Username: (b) (6) Password: Additional passwords left by Marsha (Liz never had occasion to use this, but FYI): **Tetra Tech Guest Account to Access SharePoint:** This is the site where you will find the documents: Sharepoint site: Log on: Password: Temp Parking Transponder: (b) (6) Password to computer: (b) (6) (*This might be outdated.)



(b) (6)

Sincerely,

John Phelps

CEO/Executive Director



MEMBER ► David Longly Bernhardt

BAR NO. ▶ 030729

STATUS ► Active

YEAR ▶ 2013

4201 N. 24th Street > Suite 100 > Phoenix, AZ 85016-6266
PH: 602.252.4804 > FAX: 602.271.4930 > www.azbar.org

Noles, Holly A.

From:

Joe_Taylor@cfc.uscourts.gov

Sent:

Wednesday, January 04, 2017 9:40 AM

To:

Bernhardt, David L.

Subject:

CM/ECF Account

Dear Counselor:

Your CM/ECF login ID and password are:

login: (b) (6) password: (b) (6)

Both the login ID and password are case sensitive.

The CM/ECF Live system can be accessed at https://ecf.cofc.uscourts.gov/.

If you have any problems, please contact the CM/ECF User Assistance unit at 866-784-6273 (toll free) or 202-357-6402.

Thank you.

Joe Taylor U.S. Court of Federal Claims 202-357-6424 To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-09-25T12:50:53-04:00

Importance: Normal

Subject: RE: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

Received: 2017-09-25T12:52:38-04:00

Gareth,

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(b) (6) cell

<u>rwaterman@bhfs.com</u> | <u>Bio</u> | <u>vCard</u> | <u>www.bhfs.com</u> <u>Subscribe to our Water blog at water.bhfs.com</u>

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To: Waterman, Ryan R.[rwaterman@bhfs.com]

From: Rees, Gareth

Sent: 2017-09-05T16:53:52-04:00

Importance: Normal

Subject: Re: FW: Register Today for the 2017 Environmental Law Conference in Yosemite!

Received: 2017-09-05T16:54:19-04:00

Thanks Ryan, looks good. Wish I was able to go but they don't let me out of the office

On Thu, Aug 31, 2017 at 3:41 PM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote:

Gareth, I thought Dep. Sec. Bernhardt would be interested in seeing the eblast that is going out for the conference. See below.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

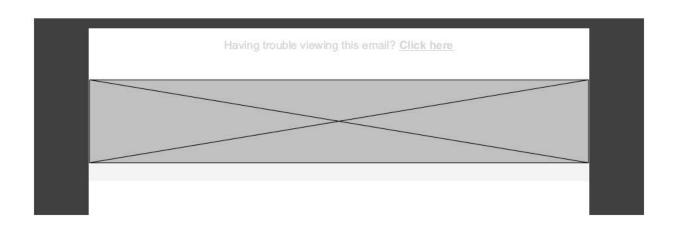
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From: The State Bar of California - Environmental Law Section [mailto:Environmental@calbar.ca.gov]

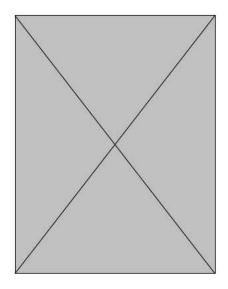
Sent: Thursday, August 31, 2017 12:14 PM

To: Waterman, Ryan R.

Subject: Register Today for the 2017 Environmental Law Conference in Yosemite!



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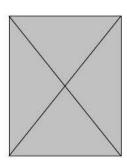
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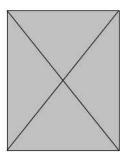
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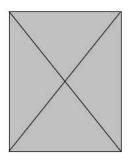
David Bernhardt

Mr. Bemhardt is the Deputy Secretary of the U.S. Department of the Interior and is a former Solicitor of the Interior Department.



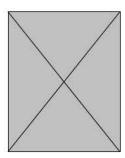
Martha Guzman Aceves

Commissioner Guzman Aceves is a California Public Utilities Commissioner and the former deputy legislative affairs secretary for Governor Brown.



Dr. Thomas Lovejoy

Dr. Lovejoy is a conservation biologist well known for coining the term "biological diversity." He is University Professor in the Department of Environmental Science and Policy at George Mason University, Senior Fellow at the United Nations Foundation, and Science Envoy for the U.S. Department of State.



Justice Goodwin Liu

Justice Liu is an Associate Justice of the California Supreme Court and former Professor of Law at the UC Berkeley School of Law (Boalt Hall).

Conference Green Initiatives

As an organization of environmental professionals, we will strive to conserve natural resources and to support their sustainable use. Help us reduce our carbon footprint by forming carpools or driving in an energy efficient vehicle when you travel to Yosemite. Please use THIS LINK to add yourself as a driver or join another carpool. Also don't forget to sign the State Bar Eco Pledge, and review the Model Law Office Sustainability Guidelines and share these with your colleagues.

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-09-05T13:10:34-04:00

Importance: Normal

Subject: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

Received: 2017-09-05T13:11:43-04:00

Gareth,

A quick note about Dep. Sec. Bernhardt's keynote address to the Yosemite Environmental Law Conference on Friday, October 20th.

It is not required for Dep. Sec. Bernhardt to prepare a powerpoint, but if he chooses to do so, we need to get a copy of the presentation by **Tuesday, September 26**, so that it can be included on the conference flash drive.

You can send the presentation materials to me, and I will get them to the Bar. If the materials are > 30MB in size, then I can send you a file transfer link that you can use to upload the presentation. Just let me know what you need.

Finally, do you know if Dep. Sec. Bernhardt will be staying over Friday night at the Tenaya Lodge? Several of his former Brownstein colleagues would be interested in having dinner if he is not otherwise occupied. I know that my family will come to dinner, so if his family is coming to the conference as well they would be very welcome.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670

San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-09-05T13:24:32-04:00

Importance: Normal

Subject: RE: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

Received: 2017-09-05T13:32:02-04:00

Gareth, two points I forgot to mention in my earlier email.

First, the Dep. Sec.'s time slot is from 8 am - 9 am. He should plan on speaking for 40-45 minutes, with a 10-15 minute period for questions.

Finally, I would be happy to set up a call if Dep. Sec. Bernhardt would like to discuss the topic of his keynote address, or if he has particular questions, I'd be happy to do my best to answer them.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP 225 Broadway, Suite 1670 San Diego, CA 92101

619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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From: Waterman, Ryan R.

Sent: Tuesday, September 05, 2017 10:11 AM

To: 'Rees, Gareth'

Subject: Yosemite Environmental Law Conference - Keynote Presentation details for Dep. Sec.

Bernhardt

Gareth,

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To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-10T16:40:10-04:00

Importance: Normal Subject: Re: Quick Question

Received: 2017-08-10T16:41:11-04:00

Thanks Holly

On Thu, Aug 10, 2017 at 4:32 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote:

What you are looking for should be on these documents I scanned. Let me know if there is something you do not see.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 10, 2017 12:52 PM

To: Noles, Holly A.

Subject: Re: Quick Question

That would be great. Thanks

On Thu, Aug 10, 2017 at 12:48 PM, Noles, Holly A. < HNOLES@bhfs.com wrote:

I do. I need to step out for a minute this afternoon but will have it to you by the end of the day. Does that work?

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 10, 2017 12:48 PM

To: Noles, Holly A. **Subject:** Quick Question

Hi Holly

Hope all is going well. Do you happen to have a list of David's frequent flyer numbers, hotels, rental cars etc?

Thanks

--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: rwaterman@bhfs.com[rwaterman@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-31T15:42:46-04:00

Importance: Normal

Subject: Out of Office Re: FW: Register Today for the 2017 Environmental Law Conference in

Yosemite!

Received: 2017-08-31T21:04:59-04:00

I am out of the office on Thursday, August 31, 2017 and will return on Tuesday September 5. During this time, I will have limited access to emails. If you require immediate assistance please call 202-208-6291 or email catherine_gulac@ios.doi.gov. Thanks

__

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-08-31T15:41:43-04:00

Importance: Normal

Subject: FW: Register Today for the 2017 Environmental Law Conference in Yosemite!

Received: 2017-08-31T16:07:13-04:00

Gareth, I thought Dep. Sec. Bernhardt would be interested in seeing the eblast that is going out for the conference. See below.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

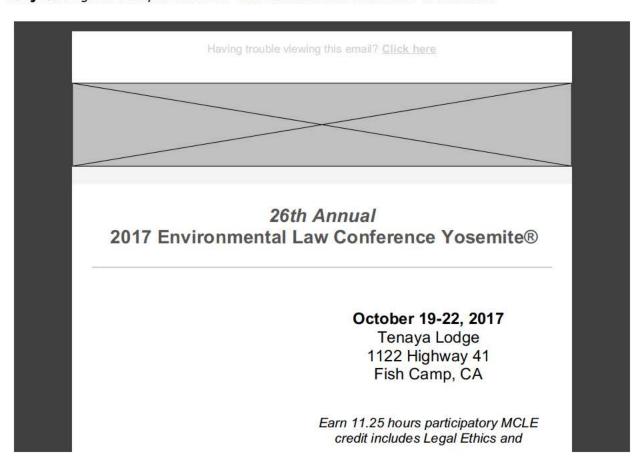
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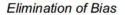
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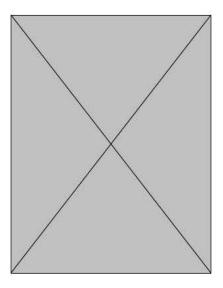
Sent: Thursday, August 31, 2017 12:14 PM

To: Waterman, Ryan R.

Subject: Register Today for the 2017 Environmental Law Conference in Yosemite!



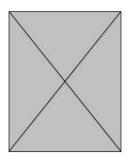




REGISTER TODAY

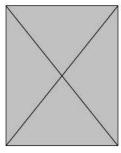
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David Bernhardt

Mr. Bernhardt is the Deputy Secretary of the U.S. Department of the Interior and is a former Solicitor of the Interior Department.

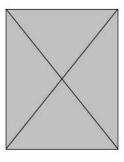


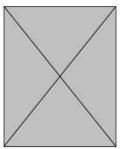
Martha Guzman Aceves

Commissioner Guzman Aceves is a California Public Utilities Commissioner and the former deputy legislative affairs secretary for Governor Brown.

Dr. Thomas Lovejoy

Dr. Lovejoy is a conservation biologist well known for coining the term "biological diversity." He is University Professor in the Department of Environmental Science and Policy at George Mason University, Senior Fellow at the United Nations Foundation, and Science Envoy for the U.S. Department of State.





Justice Goodwin Liu

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To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-08-10T12:48:41-04:00

Importance: Normal Subject: RE: Quick Question

Received: 2017-08-10T12:48:54-04:00

I do. I need to step out for a minute this afternoon but will have it to you by the end of the day. Does that work?

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 10, 2017 12:48 PM

To: Noles, Holly A. **Subject:** Quick Question

Hi Holly

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Thanks

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

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To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-10T12:47:35-04:00

Importance: Normal Subject: Quick Question

Received: 2017-08-10T12:47:42-04:00

Hi Holly

Hope all is going well. Do you happen to have a list of David's frequent flyer numbers, hotels, rental cars etc?

Thanks

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-10T12:51:56-04:00

Importance: Normal Subject: Re: Quick Question

Received: 2017-08-10T12:52:03-04:00

That would be great. Thanks

On Thu, Aug 10, 2017 at 12:48 PM, Noles, Holly A. < HNOLES@bhfs.com wrote:

I do. I need to step out for a minute this afternoon but will have it to you by the end of the day. Does that work?

Holly Noles

Executive Assistant

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Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: Waterman, Ryan R.[rwaterman@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-08T07:24:54-04:00

Importance: Normal

Subject: Re: Yosemite Conference - Hotel Reservations for Dep. Sec. Bernhardt

Received: 2017-08-08T07:25:06-04:00

Hi Ryan

I can confirm that I received the details for the lodge. I will try and make a reservation today but unfortunately I'm out of the office looking after a sick little one. I will work with my office to confirm a reservation.

Thanks Gareth

On Mon, Aug 7, 2017 at 8:46 PM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote:

Gareth,

I'm just double-checking that you received the hotel reservation information for the Yosemite Environmental Law Conference today, and that you were able to reserve a room for the Deputy Secretary for the conference. The Tenaya Lodge sells out every year, and I want to make sure that the Deputy Secretary's reservations are confirmed.

Can you verify that you got the information today and were able to make a reservation?

Best regards,

Ryan R. Waterman

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(b) (6) cell

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Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'gareth_rees@ios.doi.gov'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-08-07T20:46:59-04:00

Importance: Normal

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Received: 2017-08-07T20:47:06-04:00

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225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

<u>rwaterman@bhfs.com</u> | <u>Bio</u> | <u>vCard</u> | <u>www.bhfs.com</u> <u>Subscribe to our Water blog at water.bhfs.com</u>

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To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-07T15:38:24-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-07T15:38:31-04:00

Hi Holly

I can confirm the meeting will take place in room 6120 at the Main Interior Building.

Thanks

On Mon, Aug 7, 2017 at 3:22 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote:

Hi Gareth- Do we have a room information for this meeting yet?

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 2:04 PM

To: Noles, Holly A.

Cc: Smith, Ryan A.; Jensen, Lawrence J.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Great. The best number is 202-208-6291. I will confirm the meeting location hopefully tomorrow. Thanks

On Thu, Aug 3, 2017 at 12:33 PM, Noles, Holly A. <HNOLES@bhfs.com> wrote:

10AM it is. What number should I have them call upon arrival?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 12:18 PM

To: Noles, Holly A.

Cc: Smith, Ryan A.; Jensen, Lawrence J.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

How about either 9 or 10am?

On Thu, Aug 3, 2017 at 12:14 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Next Tuesday would be great. Is there a good time that morning?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 11:32 AM

To: Noles, Holly A. **Cc:** Smith, Ryan A.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Or could we do something on Tuesday next week? Thanks

On Thu, Aug 3, 2017 at 11:31 AM, Rees, Gareth <gareth rees@ios.doi.gov> wrote:

Hi Holly.

Sorry for the delay. Does Friday at 4pm work?

Thanks

On Tue, Aug 1, 2017 at 11:08 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Hi Gareth- Please see the attached materials for the request below. Does Mr. Cason have an opening between 3:30-6PM this Friday? Thank you for your help.

From: Noles, Holly A.

Sent: Friday, July 28, 2017 11:11 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth- I'm following up on the request below. Thank you for your help.

From: Noles, Holly A.

Sent: Tuesday, July 25, 2017 11:40 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth,

I am reaching out on behalf of MGM to request a meeting with Mr. Cason as a follow-up discussion regarding the proposed Compact Amendment of the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation. Attendees would be Ayesha Molino of MGM as well as Ryan Smith and Larry Jensen of Brownstein Hyatt Farber Schreck. Would Mr. Cason be available for any of the time below? Thank you in advance for your help.

Thursday, July 27th -10:30AM-1PM; 4:30PM-6PM

Friday, July 28th- 3:30PM-5PM

Monday, July 31st- 3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

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Tel: 202-208-6291

Fax: 202-208-1873

__

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Waterman, Ryan R.

Sent: 2017-08-08T13:02:44-04:00

Importance: Normal

Subject: RE: Yosemite Conference - Hotel Reservations for Dep. Sec. Bernhardt

Received: 2017-08-08T13:03:02-04:00

Gareth,

It is critical that the Dep. Secretary's reservation get made today. Please let me know if you do not think it will get done for some reason so I can intervene.

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

<u>rwaterman@bhfs.com</u> | <u>Bio</u> | <u>vCard</u> | <u>www.bhfs.com</u> <u>Subscribe to our Water blog at water.bhfs.com</u>

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Tuesday, August 08, 2017 4:25 AM

To: Waterman, Ryan R.

Subject: Re: Yosemite Conference - Hotel Reservations for Dep. Sec. Bernhardt

Hi Ryan

I can confirm that I received the details for the lodge. I will try and make a reservation today but unfortunately I'm out of the office looking after a sick little one. I will work with my office to confirm a reservation.

Thanks Gareth

On Mon, Aug 7, 2017 at 8:46 PM, Waterman, Ryan R. <<u>rwaterman@bhfs.com</u>> wrote: Gareth,

I'm just double-checking that you received the hotel reservation information for the Yosemite Environmental Law Conference today, and that you were able to reserve a room for the Deputy Secretary for the conference. The Tenaya Lodge sells out every year, and I want to make sure that the Deputy Secretary's reservations are confirmed.

Can you verify that you got the information today and were able to make a reservation?

Best regards,

Ryan R. Waterman

Brownstein Hyatt Farber Schreck, LLP

225 Broadway, Suite 1670 San Diego, CA 92101 619.702.7569 tel

(b) (6) cell

rwaterman@bhfs.com | Bio | vCard | www.bhfs.com

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Noles, Holly A.

Sent: 2017-08-07T15:22:23-04:00

Importance: High

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-07T15:22:39-04:00

Hi Gareth- Do we have a room information for this meeting yet?

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 2:04 PM

To: Noles, Holly A.

Cc: Smith, Ryan A.; Jensen, Lawrence J.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Great. The best number is 202-208-6291. I will confirm the meeting location hopefully tomorrow. Thanks

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Sent: Thursday, August 03, 2017 12:18 PM

To: Noles, Holly A.

Cc: Smith, Ryan A.; Jensen, Lawrence J.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

How about either 9 or 10am?

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Sent: Thursday, August 03, 2017 11:32 AM

To: Noles, Holly A. **Cc:** Smith, Ryan A.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

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Thanks

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From: Noles, Holly A.

Sent: Friday, July 28, 2017 11:11 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth- I'm following up on the request below. Thank you for your help.

From: Noles, Holly A.

Sent: Tuesday, July 25, 2017 11:40 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth,

I am reaching out on behalf of MGM to request a meeting with Mr. Cason as a follow-up discussion regarding the proposed Compact Amendment of the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation. Attendees would be Ayesha Molino of MGM as well as Ryan Smith and Larry Jensen of Brownstein Hyatt Farber Schreck. Would Mr. Cason be available for any of the time below? Thank you in advance for your help.

Thursday, July 27th -10:30AM-1PM; 4:30PM-6PM

Friday, July 28th-3:30PM-5PM

Monday, July 31st-3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'gareth_rees@ios.doi.gov'[gareth_rees@ios.doi.gov]

From: Jensen, Lawrence J.

Sent: 2017-08-03T11:27:15-04:00

Importance: Normal

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T11:29:34-04:00

DOI Should Reject Compact Amendments One-Sheeter[33356].pdf DOI White Paper - FINAL (07.27.2017) v2 - Copy[33344].pdf

Looking forward to hearing when Jim might be available. Thanks. Larry Jensen

Lawrence J. Jensen

Brownstein Hyatt Farber Schreck, LLP 1155 F Street N.W., Suite 1200 Washington, DC 20004 202.747.0509 tel 801.232.7898 cell LJensen@BHFS.com

From: Noles, Holly A.

Sent: Wednesday, August 02, 2017 1:34 PM

To: Jensen, Lawrence J.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Gareth-

Following up on this request for Mr. Cason. Next week we are available-

Monday- 3-5PM Tuesday- all day

Friday- 9-10AM; 3:30-5PM

Thank you for considering this request.

From: Noles, Holly A.

Sent: Tuesday, August 01, 2017 11:08 AM

To: 'Rees, Gareth'
Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Gareth- Please see the attached materials for the request below. Does Mr. Cason have an opening between 3:30-6PM this Friday? Thank you for your help.

From: Noles, Holly A.

Sent: Friday, July 28, 2017 11:11 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

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To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

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Holly Noles

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THE LEGAL AND POLICY FLAWS OF THE CONNECTICUT TRIBES' PROPOSED COMPACT AMENDMENTS

This White Paper addresses two key questions regarding the unprecedented casinoauthorization framework proposed by Connecticut's two federally recognized tribes and recently signed into law by Connecticut's Governor (the "Connecticut Framework"):

- 1. Are compact amendments designed to facilitate a commercial, off-reservation casino subject to review and approval by the Department of the Interior ("DOI")?
- 2. Do those amendments violate the Indian Gaming Regulatory Act ("IGRA"), such that DOI should disapprove them?

The Connecticut Framework presents these questions because it uses a novel combination of state legislation and federal regulatory action to authorize a new commercial casino on non-Indian lands. This casino would be operated by a corporation established under state law (owned by the tribes), located far from the tribes' reservations, and subject exclusively to state regulation. But the operative state statute makes this gaming expansion contingent on DOI approval of amendments to the tribes' compacts to accommodate the new casino. In short, the Connecticut Framework seeks the Secretary's sign-off for a casino on non-Indian lands over which DOI will have no ongoing regulatory oversight.

The answer to the first question is "yes": *all* compact amendments, regardless of form or substance, are subject to DOI review and approval. Accordingly, the Connecticut tribes must submit their proposed amendments to DOI for review, and DOI must scrutinize the amendments to ensure that they are lawful.

The answer to the second question is also "yes": DOI should disapprove the tribes' proposed compact amendments for two principal reasons. *First*, the amendments violate IGRA, which authorizes only tribal-state compacts pertaining to gaming on "Indian lands." As the U.S. Supreme Court recently concluded, "IGRA affords tools . . . to regulate gaming on Indian lands, and nowhere else." The tribes' proposed compact amendments violate IGRA because their sole purpose is to facilitate a commercial casino not located on "Indian lands." Second, the proposed amendments contravene IGRA's purposes and structure, both of which embrace a clear principle: IGRA is intended to facilitate on-reservation gaming by Indian tribes. It is not intended to facilitate off-reservation gaming by companies owned by Indian tribes on non-Indian lands. Approving an off-reservation commercial casino that would siphon customers from existing IGRA-authorized casinos cannot be squared with that regime. Indeed, approval of the proposed amendments would set a problematic precedent allowing tribes in other states (such as Arizona and Florida) to circumvent IGRA's carefully crafted procedures for allowing gaming on newly acquired lands owned by Indian tribes.

¹ Michigan v. Bay Mills Indian Community, 134 S. Ct. 2024, 2034 (2014) (emphasis added).

IGRA's text, judicial precedent, and federal policy give Connecticut and the tribes two options to pursue an off-reservation casino: (i) they may establish the casino under state law, without enlisting DOI in the process, or (ii) they may obtain federal approval through the land-in-trust and two-part-determination processes. DOI should not permit the tribes to circumvent these established pathways by creating a new, hybrid procedure, in which DOI provides an initial sign-off but has no ongoing regulatory authority over the new casino.

I. The Connecticut Framework and the Proposed Compact Amendments

There are two federally-recognized tribes in Connecticut: the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation (collectively, the "Tribes"). Each Tribe operates an IGRA-authorized casino in Connecticut pursuant to a compact (for the Mohegans) or Secretarial procedures (for the Mashantuckets) approved in the early 1990s. The Tribes are now seeking an exclusive right to open a new, jointly-owned commercial casino *i.e.*, a casino operated off of Indian lands pursuant to state law, not IGRA.

As described below, a recently enacted Connecticut statute, Senate Bill 957 ("SB 957"),² authorizes the Tribes' joint venture to operate a proposed off-reservation casino, but makes that authorization contingent on DOI approval of amendments to the Tribes' compacts. We refer to this unprecedented hybrid state-federal approach as the "Connecticut Framework."

A. The Tribes' IGRA Agreements with Connecticut

The compacts permit the Tribes to offer table games at their on-reservation casinos (Foxwoods and Mohegan Sun), but prohibit the Tribes from operating slot machines "unless and until" such gaming is authorized by new tribal-state agreements or state law is amended to allow slot-machine gaming "by any person, organization, or entity."³

In 1994, the Tribes entered into separate memoranda of understanding ("MOUs") with Connecticut that allow the Tribes to operate slot machines in exchange for a 25 percent royalty payment to the State on slot-machine revenue from Foxwoods and Mohegan Sun. Critically, the MOUs contain "exclusivity" clauses providing that if any other entity is authorized by the State to conduct gaming in Connecticut, the Tribes are no longer required to make revenue-sharing payments to the State. Thus, if *anyone* including a joint venture owned by the Tribes is authorized to open a new casino in Connecticut, the Tribes' revenue-sharing duties terminate.

B. The Tribes' Push for a Commercial, Off-Reservation Casino

The Tribes began lobbying for the right to open Connecticut's first commercial casino in 2015. That summer, Connecticut enacted Special Act 15-7, which (i) granted the Tribes the exclusive right to execute a development agreement with a host municipality for the new off-reservation casino, but (ii) required them to return to the legislature to obtain authorization to

² SB 957 is also known as Connecticut Public Act 17-89.

³ See Mohegan Compact § 15(a); Mashantucket Pequot Procedures § 15(a).

operate that casino. In August 2015, the Tribes registered a jointly owned casino-development entity, MMCT Venture LLC, as authorized by Special Act 15-7. In February 2017, MMCT signed a casino-development contract with East Windsor, a town located 15 miles north of Hartford roughly 45 miles (and a one-hour drive) from the Tribes' reservations in southeastern Connecticut. The agreement calls for MMCT to operate a casino in an abandoned movie-theater complex, which is not located on "Indian lands" as defined by IGRA.

Rather than seeking to take the East Windsor plot into trust and obtain gaming approval under IGRA's two-part-determination process,⁴ the Tribes turned to the state legislature for authorization to operate their proposed off-reservation casino. In June 2017, the Tribes secured passage of SB 957, which authorizes MMCT to operate a casino in East Windsor.⁵

SB 957 provides that MMCT's authorization to operate the East Windsor casino "shall not be effective" until the Tribes satisfy three conditions: (i) the Tribes must amend their compacts and MOUs to allow for operation of the new MMCT casino; (ii) the Connecticut legislature must approve the compact and MOU amendments; and (iii) the compact and MOU amendments must be "approved or deemed approved by the Secretary of the United States Department of the Interior pursuant to [IGRA] and its implementing regulations." Thus, SB 957 makes DOI approval an indispensable part of what would otherwise be a purely state-law authorization process.

The conditions imposed by SB 957 are designed to allow MMCT to open its East Windsor casino without affecting the Tribes' duty to make 25 percent royalty payments on slots revenues at Foxwoods and Mohegan Sun. The conditions are necessary because, as described above, the Tribes' compacts and MOUs contain exclusivity provisions providing that if *any* entity (even a tribal-owned corporation such as MMCT) is authorized to conduct gaming in Connecticut, the Tribes' obligation to make royalty payments to the State ends. Amending the Tribes' compacts and MOUs to endorse the legal fiction that the authorization of MMCT to operate a casino in Connecticut does not constitute the authorization of an entity to operate a casino in Connecticut is intended to provide a way around that problem. But, as SB 957 acknowledges (and as DOI confirmed earlier this year), DOI approval is required of any such amendments.

In 2016, the Tribes drafted proposed compact amendments that would retain the Tribes' royalty duties so long as no entity *other than* MMCT conducts casino gaming in Connecticut.

⁴ See 25 U.S.C. § 2719(b).

⁵ Connecticut Governor Malloy signed SB 957 into law on June 27, 2017.

⁶ SB 957 § 14(c).

⁷ Other than approval by DOI, all but one of the approval steps outlined in SB 957 have been completed. The Governor of Connecticut executed amendments to the Mohegan compact and MOU and the Mashantucket Pequot Procedures and MOU on July 20, and the Connecticut House of Representatives approved those amendments on July 24, 2017—leaving approval by the Connecticut Senate as the final step in the process. *See* Conn. Gen. Stat. § 3-6c; SB 957 § 14(c)(3).

DOI issued *non-binding* technical assistance letters in April 2016 and May 2017, tentatively suggesting (i) that such amendments, if approved, would preserve the Tribes' exclusivity, and (ii) that DOI likely would not re-examine the underlying compacts if the amendments were submitted for review. The Department's letters do *not* address whether the amendments comply with IGRA or whether they would be approved if formally submitted.

Assuming that the Tribes make good on their promise to submit those amendments for review within the next few weeks, DOI will soon be called upon to approve or disapprove the Tribes' proposed amendments. The remainder of this White Paper explains why DOI should disapprove those amendments.

II. DOI Should Disapprove the Tribes' Proposed Amendments Because the Amendments Violate IGRA.

IGRA grants DOI broad authority to regulate gaming conducted on "Indian lands." In particular, IGRA directs DOI to review "Tribal-State compact[s] ... governing gaming on Indian lands" to ensure that they comply with IGRA and "[a]ny other provision of Federal law." DOI regulations further provide that "[a]ll amendments, regardless of whether they are substantive amendments or technical amendments, are subject to review and approval by the Secretary." The proposed amendments would revise the Tribes' gaming compacts with Connecticut and therefore are subject to DOI review (and approval or disapproval) under these provisions. 10

DOI should disapprove the proposed amendments because they violate IGRA. The amendments serve only one purpose: facilitating *commercial*, *off-reservation*, *non-IGRA* gaming. Indeed, not only do the amendments facilitate non-IGRA gaming, but they would do so at the *expense* of IGRA gaming because the East Windsor casino would undoubtedly draw customers from the Tribes' existing, IGRA-authorized casinos. IGRA's compacting process was never intended to be used in that way. The process was intended solely to facilitate Indian gaming on Indian lands by authorizing and requiring a Tribe and a State to agree how such gaming could be conducted without harming legitimate State interests. DOI approval of any compact reached by a Tribe and a State was required solely to insure that a State would not use its superior political leverage to impose unlawful regulatory requirements on Indian tribes or exact unlawful concessions from them. The process was not intended to facilitate gaming by Indian-owned businesses on non-Indian lands that would be subject to the full reach of the States' regulatory powers even without the agreement of the tribal owners. IGRA's text, structure, and legislative history and DOI's own precedent all confirm that amendments designed to further commercial, off-reservation gaming cannot be approved.

⁸ 25 U.S.C. § 2710(d)(8)(A)-(B).

⁹ 25 C.F.R. § 291.4; see also 25 C.F.R. § 291.14.

¹⁰ See, e.g., 25 C.F.R. §§ 293.4, 293.7, 291.14. Decisions approving or disapproving the amendments are subject to judicial review. See Amador County v. Salazar, 640 F.3d 373 (D.C. Cir. 2011).

Statutory Text. IGRA is clear: the Act is addressed exclusively to gaming "on Indian lands" *i.e.*, tribal reservations or trust lands. ¹¹ Indeed, one of IGRA's express purposes is to "establis[h] . . . independent Federal regulatory authority for gaming *on Indian lands*" and to provide "Federal standards for gaming *on Indian lands*." This focus is so central to IGRA's design that the provision governing tribal-state compacts repeats the phrase "Indian lands" *twenty-three* times. ¹³

Statutory Structure. IGRA's structure reinforces that limitation in two ways.

First, IGRA pairs each type of authorized gaming with ongoing federal regulation. The Act allows tribes to offer "class II gaming on Indian lands," subject to oversight by the National Indian Gaming Commission ("NIGC"), and permits class III gaming "on Indian lands," while granting the Secretary oversight over such gaming.¹⁴ The absence of a provision for continuing DOI regulation of off-reservation gaming thus speaks volumes.

Second, IGRA prohibits Indian gaming on off-reservation lands acquired after 1988 except in narrowly defined circumstances.¹⁵ The two-part-determination process is the *only* generally available exception to that prohibition.¹⁶ To qualify for that exception, newly acquired lands must be taken into trust a process that requires the Secretary to consider, among other factors, the distance between the new parcel and the tribe's reservation.¹⁷ Even when a tribe successfully navigates the fee-to-trust process, it cannot use newly acquired trust lands for casino gaming until (i) the Secretary determines that gaming on the new lands is appropriate and (ii) the relevant state governor concurs in the Secretary's determination.¹⁸ Allowing tribes to obtain authorization for off-reservation casinos through the compact-amendment process would circumvent this rigorous process.

<u>Legislative History</u>. IGRA's legislative history likewise shows that Congress designed the Act "to regulate gaming *on Indian lands*" and provide "a framework for the regulation of gaming activities *on Indian lands*." Floor statements from Senators (including a sponsor of IGRA)²⁰ as well as House members²¹ reiterate this fundamental point.

¹¹ 25 U.S.C. §§ 2703, 2710(d)(1); *see also id.* § 2701(3) (before IGRA, federal law did "not provide clear standards or regulations for the conduct of gaming *on Indian lands*" (emphasis added)).

¹² *Id.* § 2702(3).

¹³ See id. § 2710.

¹⁴ *Id.* § 2710(b)-(d).

¹⁵ *Id.* § 2719(a).

¹⁶ See id. § 2719(b).

¹⁷ 25 C.F.R. § 151.11(b), (c).

¹⁸ 25 U.S.C. § 2719(b)(1).

¹⁹ S. Rep. 100-446, 100th Cong., 2d Sess. 1, 5 (Aug. 3, 1988) (emphases added).

²⁰ 134 Cong. Rec. 24,023 (Sept. 15, 1988) (statement of sponsor Senator Inouye stressing that IGRA was intended to "bring a final resolution to the much-debated issue of the regulation of the conduct of gaming (continued...)

Judicial Precedent. The U.S. Supreme Court recently confirmed that "[e]verything literally everything in IGRA affords tools . . . to regulate gaming on Indian lands, and nowhere else." "Congress adopted IGRA in response to [the Supreme Court's] decision in California v. Cabazon Band of Mission Indians, which held that States lacked any regulatory authority over gaming on Indian lands." Thus, "the problem Congress set out to address in IGRA ... arose in Indian lands alone," "[a]nd the solution Congress devised ... reflected that fact." "23

Other courts, including at least three federal appellate courts, have likewise stressed that IGRA provides statutory authority only with respect to Indian gaming on Indian lands.²⁴ These courts have reasoned that "[t]ribal gaming on non-Indian lands is not authorized by or regulated under IGRA" and that tribes cannot use IGRA's procedures to "establish a class III gaming establishment on non-Indian lands."²⁵

<u>DOI Precedent</u>. Consistent with these authorities, DOI has acknowledged that tribes may not use IGRA's procedures to facilitate commercial, off-reservation casinos such as the one proposed by the Tribes. For example, the preamble to a 2008 Final Rule issued by the NIGC provides: "IGRA requires that all gaming take place on 'Indian lands.' Gaming that does not take place on Indian lands is subject to all state and local gaming laws and federal laws *apart from IGRA*." In 2002, Secretary Gale Norton likewise explained that using the compact-approval process to facilitate off-reservation gaming would "stretch" IGRA's "principles . . . in ways Congress never imagined" and that "IGRA does not envision that off-reservation gaming would become pervasive." Consistent with this understanding, DOI has disapproved compacts

activities on Indian lands" (emphasis added)); id. at 24,207 (statement of Senator Evans that "[b]y no means is any provision of this act Intended to extend beyond this field of gaming in Indian country").

²¹ 134 Cong. Rec. 25,377 (Sept. 26, 1988) (statement of Rep. Vucanovich that "[t]he principal objective of [IGRA] is to provide a statutory basis and an appropriate regulatory framework for gaming *on Indian lands*"); *id.* at 25,379 (statement of Rep. Oberstar that IGRA would "bring consistency to the way in which the Federal Government regulates gaming *on Indian lands*").

²² Bay Mills, 134 S. Ct. at 2034 (emphasis added).

²³ *Id*.

N. Cty. Cmty. All., Inc. v. Salazar, 573 F.3d 738, 744 (9th Cir. 2009) ("IGRA authorizes tribal gaming only on "Indian lands" as defined in 25 U.S.C. § 2703(4)."); Artichoke Joe's California Grand Casino v. Norton, 353 F.3d 712, 735 (9th Cir. 2003) ("IGRA pertains only to Indian lands" and "regulates activities only on Indian lands."); Oklahoma v. Hobia, 775 F.3d 1204, 1213 (10th Cir. 2014) ("IGRA is concerned only with ... gaming on Indian lands."); Amador Cty., Cal. v. Salazar, 640 F.3d 373, 377 (D.C. Cir. 2011) ("IGRA provides for gaming only on 'Indian lands."); Kansas v. United States, 249 F.3d 1213, 1222 (10th Cir. 2001) ("IGRA provides a comprehensive framework for gaming activities on Indian lands.").

²⁵ N. Ctv. Cmtv. All., 573 F.3d at 744; Artichoke Joe's, 353 F.3d at 735.

²⁶ 73 Fed. Reg. 6,019, 6,022 (Feb. 1, 2008) (citation omitted, emphasis added).

²⁷ Dept. of Interior, Seneca Nation of Indians – Deemed-Approval Decision, at 2-3 (Nov. 12, 2002), https://bia.gov/cs/groups/xoig/documents/text/idc-038394.pdf.

designed to facilitate gaming on lands that "are not now Indian lands of the Tribe, and thus cannot be the subject of a compact between the Tribe and the State." ²⁸

The proposed amendments to the Tribes' compacts do not concern Indian gaming or regulate gaming on Indian lands. Instead, their sole purpose and function would be to facilitate commercial gaming *off of* Indian lands. Because the amendments violate IGRA, DOI should disapprove them. As the D.C. Circuit recently held, federal agencies "may only take action that Congress has authorized." Approval of the Tribes' proposed amendments would contravene that bedrock administrative-law principle.

III. The Proposed Amendments Should Be Disapproved Because They Undermine DOI's Trust Responsibilities and Raise Constitutional Concerns.

Disapproval is warranted for two additional reasons.

First, approval of the Connecticut Framework would undermine DOI's trust responsibilities. Under federal law, DOI exercises a fiduciary trust responsibility on behalf of Indian tribes.³⁰ IGRA itself recognizes this role by providing that compacts and amendments may be disapproved if they violate "the trust obligations of the United States to Indians."³¹

In the Indian gaming context, part of this responsibility involves ensuring that tribes are the primary beneficiaries of Indian-gaming revenues and that states do not use their bargaining power to extract excessive revenue-sharing payments or other unfair concessions from tribes.

As a preliminary matter, the Connecticut Framework would undermine this balance struck by IGRA because the MMCT casino would be regulated solely under state law, and Connecticut could change that regulatory structure at any time. DOI would not have ongoing regulatory authority over MMCT's off-reservation casino, and the NIGC would not have oversight over the MMCT casino's management contracts or day-to-day operations. Instead, DOI's involvement would be limited to a one-shot review of the Tribes' proposed compact amendments. Thus, the revenue-sharing rate paid by the MMCT casino, the uses of those revenues, the operation of the casino, and other key issues would be governed solely by state law without being subject to the protections and limitations imposed by IGRA.³²

²⁸ Dept. of Interior, Ewiiaapaayp Band of Kumeyaay Indians – Disapproval Decision, at 1 (Mar. 18, 2008), https://bia.gov/cs/groups/xoig/documents/text/idc1-024667.pdf.

²⁹ Bais Yaakov of Spring Valley v. FCC, 852 F.3d 1078, 1082 (D.C. Cir. 2017); see also La. Pub. Serv. Comm'n v. FCC, 476 U.S. 355, 374 (1986) ("[A]n agency literally has no power to act ... unless and until Congress confers power upon it.").

³⁰ See, e.g., Cherokee Nation v. Georgia, 30 U.S. 1, 10 (1831).

³¹ 25 U.S.C. § 2710(d)(8)(B)(iii).

³² The absence of these federal protections could have far-reaching consequences. As just one example, tribal members not involved in casino operations could be prejudiced because revenue from the state-authorized casino would not be subject to limitations on use of net gaming revenues imposed by IGRA, which are designed to ensure that such revenues benefit the tribe as a whole. *See* 25 U.S.C. § 2710(b)(2)(B); 25 C.F.R. §§ 522.4, 522.6; 25 C.F.R. pt. 290.

The Connecticut Framework also presents other difficult issues implicating DOI's trust obligations. Most obviously, the MMCT casino would siphon customers from the Tribes' existing IGRA-authorized casinos such that the proposed amendments would inevitably promote off-reservation commercial gaming, but at the expense of on-reservation, IGRA-authorized gaming.

Second, approval of the Connecticut Framework would also raise constitutional concerns. Compact amendments may be approved only if they do not violate "any other provision of Federal law," which includes the U.S. Constitution.³³ Yet SB 957's grant of exclusive, no-bid commercial casino rights to the Tribes raises questions under the Equal Protection and Commerce Clauses: State-law (as opposed to federal-law) preferences for Indian tribes are subject to strict scrutiny as national-origin-based set-asides under the Equal Protection Clause,³⁴ and awarding rights exclusively to in-state entities without competitive process constitutes unlawful discrimination against out-of-state entities under the "dormant" Commerce Clause doctrine.³⁵ Even Connecticut's Attorney General has recognized these constitutional flaws, despite being required to defend the Connecticut Framework in court.³⁶ DOI should not facilitate the unconstitutional framework being developed in Connecticut by approving compact amendments whose sole function is to facilitate a discriminatory set-aside program.

IV. The Proposed Amendments Should Be Disapproved Because They Would Set a Dangerous Precedent for Off-Reservation Gaming.

Approval of the Connecticut Framework would set a precedent for expansion of off-reservation gaming. Tribal casinos operate in 28 states, any of which could seek to use the Connecticut Framework were DOI to endorse it by approving the Tribes' proposed compact amendments (or allowing those amendments to be "deemed approved").³⁷ Specifically, the Connecticut Framework would enable tribes to open casinos in cities like Miami, Phoenix, San Diego, and Seattle *without* following the land-in-trust and two-part-determination procedures prescribed by IGRA. Off-reservation gaming would be possible in those cities because the surrounding state is situated similarly to Connecticut: in each instance, tribes operate IGRA casinos in the state, and in each instance state law does not allow commercial gaming.³⁸ (Indeed, tribes have attempted to achieve this result through IGRA, without success; for example, in 2014

³³ 25 U.S.C. § 2710(d)(8)(B); 25 C.F.R. §§ 293.14, 291.8(a)(7).

³⁴ See Washington v. Confederated Bands & Tribes of the Yakima Indian Nation, 439 U.S. 463, 500–01 (1979); KG Urban Enters, LLC v. Patrick., 693 F.3d 1, 19 (1st Cir. 2012).

³⁵ See, e.g., Freedom Holdings, Inc. v. Spitzer, 357 F.3d 205, 217 (2d Cir. 2004); Gulch Gaming, Inc. v. South Dakota, 781 F. Supp. 621, 627 (D.S.D. 1991).

³⁶ Conn. AG Op. 2017-2, at 2-3 (Mar. 13, 2017) ("the potential of equal protection or commerce clause challenges succeeding in this context is not at all insubstantial"), http://www.ct.gov/ag/lib/ag/opinions/2017/2017-02 ag casino opinion to governor.pdf.

³⁷ See NIGC, Map of Indian Gaming Locations, https://www.nigc.gov/map/.

³⁸ See id. (showing that federally-recognized tribes operate IGRA-authorized casinos in these states).

Rep. Paul Gosar (R-AZ) testified about the "troubling" attempt by the Tohono O'odham Nation to move to "the Phoenix metropolitan area for the sole purpose of building a casino."³⁹)

Senators and Members of Congress have repeatedly expressed this concern:

- On May 9, 2017, Senator John McCain (R-AZ), one of IGRA's principal authors, wrote to Secretary Zinke, specifically addressing the Connecticut Framework's flaws. Senator McCain warned that approving the Tribes' proposed compact amendments could lead to "an unprecedented expansion of off-reservation gaming" and that the Connecticut Framework represents an attempt to "skirt the existing legal framework for pursuing off-reservation gaming under the Indian Gaming Regulatory Act (IGRA)."
- On February 15, 2017, Representative Rob Bishop (R-UT), Chairman of the House Committee on Natural Resources, wrote to Acting Deputy Secretary James E. Cason, expressing concern regarding "approvals of Indian casinos located outside existing reservations," particularly in the Obama administration's waning days. Chairman Bishop emphasized that "many" members of the Committee on Natural Resources "are on record expressing concerns with off-reservation gambling" and asked that "[a]ny legal opinion" regarding that issue "be scrutinized ... because of the precedent it may set for future actions."
- In June 2017, Senator Dean Heller (R-NV), spoke with Secretary Zinke and Assistant Deputy Secretary Jim Cason to express concerns with the Department's prospective approval of the proposed compact amendments because such approval would violate IGRA and set a troubling precedent for off-reservation gaming in other jurisdictions.

V. DOI Should Affirmatively Disapprove the Tribes' Proposed Amendments.

IGRA plainly confers on DOI authority to disapprove these potential compact amendments, ⁴⁰ and for all the reasons set forth above DOI should exercise that authority by affirmatively disapproving the amendments.

A. DOI Should Not Allow the Amendments to Be "Deemed" Approved.

Although IGRA provides that if DOI does not act on a compact amendment within 45 days after it is submitted, the amendment is "deemed" approved by operation of law, 41 DOI should not allow these amendments to be "deemed approved." *First*, as explained above, affirmative disapproval is warranted because the amendments violate IGRA. IGRA itself states that a compact or amendment that is deemed approved is only approved to the extent that it does not violate federal law. And courts have held that DOI "may not allow a compact that violates" IGRA "to go into effect by operation of law," thus indicating that DOI must disapprove illegal

³⁹ S. Hrg. 113-502, at 5.

⁴⁰ See Part II, supra.

⁴¹ 25 U.S.C. § 2710(d)(8)(C); 25 C.F.R. § 293.12.

compact amendments.⁴² *Second*, allowing these amendments to be approved would, as discussed above, set a dangerous precedent and would create additional legal uncertainties relating to MMCT's East Windsor casino. *Third*, allowing the amendments to be deemed approved would have the same practical effect as an affirmative approval because the amendment would become operative and allow MMCT's East Windsor casino to proceed. That would effectively place DOI's stamp of approval on amendments that violate IGRA, which DOI should not countenance.

B. The Mashantucket Amendment May Not Be "Deemed" Approved.

Finally, the Mashantucket Pequot Procedures should be disapproved for another, independent reason: they are not subject to a "deemed" approval process, and the Secretary must affirmatively approve or reject the amendments to the Procedures. ⁴³ The Part 291 regulations do not contain any "deemed" approval provision, but rather provide that the Secretary "must review" any amendments pursuant to same process for reviewing initial proposals. ⁴⁴

⁴² Amador County, 640 F.3d at 382.

⁴³ See 25 C.F.R. §§ 291.8, 291.14.

⁴⁴ 25 C.F.R. § 291.14.

DOI Approval of the Connecticut Tribes' Proposed Compact Amendments Would Contravene Both the Legal and Policy Framework of IGRA

- The Mashantucket Pequot Indian Tribe and the Mohegan Tribes of Indians ("Tribes") of Connecticut ("CT") seek to use a novel combination of state legislation and federal regulatory action to authorize a new commercial casino.
- The Tribes operate on-reservation casinos under separate compacts with the Department of the Interior ("DOI") and memoranda of understanding ("MOUs") with CT. The arrangements contain revenue-sharing and exclusivity provisions, providing that if *any* other entity is authorized to conduct gaming in CT, the revenue-sharing duties of the Tribes terminate.
- Connecticut recently enacted statute Senate Bill 957 ("SB 957") authorizing the Tribes to operate an *off-reservation* casino. Both SB 957 and federal law require DOI to review and approve compact amendments to authorize a tribal joint venture to conduct gaming in CT without terminating the revenue-sharing duties of the on-reservation casinos.
- Although DOI issued technical-assistance letters suggesting the amendments would preserve the compact exclusivity provisions and DOI would not re-examine the underlying compacts, they are *non-binding* and contrary to the Indian Regulatory Gaming Act ("IGRA").
- DOI should disapprove the proposed amendments because they violate IGRA by seeking to invoke DOI approval of non-IGRA, *off-reservation* gaming and contravene the very purpose of IGRA and DOI's policies regarding Indian gaming.
- DOI Should Reject Amendments Designed to Further Non-IGRA, Off-Reservation Gaming. IGRA is clear: the Act is addressed *exclusively* to gaming "on Indian lands," *i.e.*, either tribal reservations or trust lands. The proposed amendments to the Tribes' compacts do not concern or regulate Indian gaming on Indian lands. Instead, they exist solely to facilitate commercial gaming *off of* Indian lands. IGRA's text and DOI's own precedent confirm that amendments that further non-IGRA, off-reservation gaming cannot be approved.
- **DOI Disapproval Follows a Clear Principal of IGRA and DOI Policy.** Both IGRA and DOI policy are based on the principle that IGRA is intended to promote on-reservation gaming. DOI disapproval would prevent siphoning of customers from existing IGRA-authorized casinos to a commercial casino.
- DOI Disapproval Prevents a Problematic Precedent of Circumventing Carefully Set Procedures to Allow the Expansion of Commercial Casinos. IGRA's text, judicial precedent, and federal policy give two options to pursue an off-reservation casino: (i) establish the casino under state law, without enlisting DOI in the process, or (ii) obtain federal approval through the land-in-trust and two-part-determination processes. DOI should not permit the Tribes to circumvent this process by creating a hybrid procedure in which DOI provides an initial sign-off, but lacks ongoing regulatory authority over the new casino. Disapproval would prevent tribes in the 28 other states that do not allow commercial gaming from circumventing IGRA's procedures for gaming on newly acquired lands.

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

Cc: Smith, Ryan A.[RSmith@BHFS.com]; Jensen, Lawrence J.[LJensen@BHFS.com]

From: Noles, Holly A.

Sent: 2017-08-03T12:33:37-04:00

Importance: Normal

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T12:34:56-04:00

10AM it is. What number should I have them call upon arrival?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 12:18 PM

To: Noles, Holly A.

Cc: Smith, Ryan A.; Jensen, Lawrence J.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

How about either 9 or 10am?

On Thu, Aug 3, 2017 at 12:14 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Next Tuesday would be great. Is there a good time that morning?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 11:32 AM

To: Noles, Holly A. **Cc:** Smith, Ryan A.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Or could we do something on Tuesday next week? Thanks

On Thu, Aug 3, 2017 at 11:31 AM, Rees, Gareth <gareth rees@ios.doi.gov> wrote:

Hi Holly.

Sorry for the delay. Does Friday at 4pm work?

Thanks

On Tue, Aug 1, 2017 at 11:08 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Hi Gareth- Please see the attached materials for the request below. Does Mr. Cason have an opening between 3:30-6PM this Friday? Thank you for your help.

From: Noles, Holly A.

Sent: Friday, July 28, 2017 11:11 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth- I'm following up on the request below. Thank you for your help.

From: Noles, Holly A.

Sent: Tuesday, July 25, 2017 11:40 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth,

I am reaching out on behalf of MGM to request a meeting with Mr. Cason as a follow-up discussion regarding the proposed Compact Amendment of the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation. Attendees would be Ayesha Molino of MGM as well as Ryan Smith and Larry Jensen of Brownstein Hyatt Farber Schreck. Would Mr. Cason be available for any of the time below? Thank you in advance for your help.

Thursday, July 27th -10:30AM-1PM; 4:30PM-6PM

Friday, July 28th-3:30PM-5PM

Monday, July 31st- 3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

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Fax: 202-208-1873

To: Noles, Holly A.[HNOLES@bhfs.com]

Cc: Smith, Ryan A.[RSmith@bhfs.com]; Jensen, Lawrence J.[LJensen@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-03T14:04:15-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T14:04:22-04:00

Great. The best number is 202-208-6291. I will confirm the meeting location hopefully tomorrow. Thanks

On Thu, Aug 3, 2017 at 12:33 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

10AM it is. What number should I have them call upon arrival?

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To: Noles, Holly A.[HNOLES@bhfs.com]

Cc: Smith, Ryan A.[RSmith@bhfs.com]; Jensen, Lawrence J.[LJensen@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-03T12:17:50-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T12:17:57-04:00

How about either 9 or 10am?

On Thu, Aug 3, 2017 at 12:14 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

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Cc: Smith, Ryan A.[RSmith@BHFS.com]; Jensen, Lawrence J.[LJensen@BHFS.com]

From: Noles, Holly A.

Sent: 2017-08-03T12:14:26-04:00

Importance: Normal

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T12:14:43-04:00

Next Tuesday would be great. Is there a good time that morning?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Thursday, August 03, 2017 11:32 AM

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Friday, July 28th-3:30PM-5PM

Monday, July 31st- 3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

--

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U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Smith, Ryan A.[RSmith@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-03T11:32:29-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T11:32:36-04:00

Or could we do something on Tuesday next week? Thanks

On Thu, Aug 3, 2017 at 11:31 AM, Rees, Gareth < gareth rees@ios.doi.gov > wrote:

Hi Holly.

Sorry for the delay. Does Friday at 4pm work?

Thanks

On Tue, Aug 1, 2017 at 11:08 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Hi Gareth- Please see the attached materials for the request below. Does Mr. Cason have an opening between 3:30-6PM this Friday? Thank you for your help.

From: Noles, Holly A.

Sent: Friday, July 28, 2017 11:11 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth- I'm following up on the request below. Thank you for your help.

From: Noles, Holly A.

Sent: Tuesday, July 25, 2017 11:40 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth,

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Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]
Cc: Smith, Ryan A.[RSmith@BHFS.com]

From: Noles, Holly A.

Sent: 2017-08-01T11:08:06-04:00

Importance: Normal

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-01T11:08:21-04:00

<u>DOI Should Reject Compact Amendments One-Sheeter[33356].pdf</u> <u>DOI White Paper - FINAL (07.27.2017) v2 - Copy[33344].pdf</u>

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THE LEGAL AND POLICY FLAWS OF THE CONNECTICUT TRIBES' PROPOSED COMPACT AMENDMENTS

This White Paper addresses two key questions regarding the unprecedented casinoauthorization framework proposed by Connecticut's two federally recognized tribes and recently signed into law by Connecticut's Governor (the "Connecticut Framework"):

- 1. Are compact amendments designed to facilitate a commercial, off-reservation casino subject to review and approval by the Department of the Interior ("DOI")?
- 2. Do those amendments violate the Indian Gaming Regulatory Act ("IGRA"), such that DOI should disapprove them?

The Connecticut Framework presents these questions because it uses a novel combination of state legislation and federal regulatory action to authorize a new commercial casino on non-Indian lands. This casino would be operated by a corporation established under state law (owned by the tribes), located far from the tribes' reservations, and subject exclusively to state regulation. But the operative state statute makes this gaming expansion contingent on DOI approval of amendments to the tribes' compacts to accommodate the new casino. In short, the Connecticut Framework seeks the Secretary's sign-off for a casino on non-Indian lands over which DOI will have no ongoing regulatory oversight.

The answer to the first question is "yes": *all* compact amendments, regardless of form or substance, are subject to DOI review and approval. Accordingly, the Connecticut tribes must submit their proposed amendments to DOI for review, and DOI must scrutinize the amendments to ensure that they are lawful.

The answer to the second question is also "yes": DOI should disapprove the tribes' proposed compact amendments for two principal reasons. *First*, the amendments violate IGRA, which authorizes only tribal-state compacts pertaining to gaming on "Indian lands." As the U.S. Supreme Court recently concluded, "IGRA affords tools . . . to regulate gaming on Indian lands, and nowhere else." The tribes' proposed compact amendments violate IGRA because their sole purpose is to facilitate a commercial casino not located on "Indian lands." Second, the proposed amendments contravene IGRA's purposes and structure, both of which embrace a clear principle: IGRA is intended to facilitate on-reservation gaming by Indian tribes. It is not intended to facilitate off-reservation gaming by companies owned by Indian tribes on non-Indian lands. Approving an off-reservation commercial casino that would siphon customers from existing IGRA-authorized casinos cannot be squared with that regime. Indeed, approval of the proposed amendments would set a problematic precedent allowing tribes in other states (such as Arizona and Florida) to circumvent IGRA's carefully crafted procedures for allowing gaming on newly acquired lands owned by Indian tribes.

¹ Michigan v. Bay Mills Indian Community, 134 S. Ct. 2024, 2034 (2014) (emphasis added).

IGRA's text, judicial precedent, and federal policy give Connecticut and the tribes two options to pursue an off-reservation casino: (i) they may establish the casino under state law, without enlisting DOI in the process, or (ii) they may obtain federal approval through the land-in-trust and two-part-determination processes. DOI should not permit the tribes to circumvent these established pathways by creating a new, hybrid procedure, in which DOI provides an initial sign-off but has no ongoing regulatory authority over the new casino.

I. The Connecticut Framework and the Proposed Compact Amendments

There are two federally-recognized tribes in Connecticut: the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation (collectively, the "Tribes"). Each Tribe operates an IGRA-authorized casino in Connecticut pursuant to a compact (for the Mohegans) or Secretarial procedures (for the Mashantuckets) approved in the early 1990s. The Tribes are now seeking an exclusive right to open a new, jointly-owned commercial casino *i.e.*, a casino operated off of Indian lands pursuant to state law, not IGRA.

As described below, a recently enacted Connecticut statute, Senate Bill 957 ("SB 957"),² authorizes the Tribes' joint venture to operate a proposed off-reservation casino, but makes that authorization contingent on DOI approval of amendments to the Tribes' compacts. We refer to this unprecedented hybrid state-federal approach as the "Connecticut Framework."

A. The Tribes' IGRA Agreements with Connecticut

The compacts permit the Tribes to offer table games at their on-reservation casinos (Foxwoods and Mohegan Sun), but prohibit the Tribes from operating slot machines "unless and until" such gaming is authorized by new tribal-state agreements or state law is amended to allow slot-machine gaming "by any person, organization, or entity."³

In 1994, the Tribes entered into separate memoranda of understanding ("MOUs") with Connecticut that allow the Tribes to operate slot machines in exchange for a 25 percent royalty payment to the State on slot-machine revenue from Foxwoods and Mohegan Sun. Critically, the MOUs contain "exclusivity" clauses providing that if any other entity is authorized by the State to conduct gaming in Connecticut, the Tribes are no longer required to make revenue-sharing payments to the State. Thus, if *anyone* including a joint venture owned by the Tribes is authorized to open a new casino in Connecticut, the Tribes' revenue-sharing duties terminate.

B. The Tribes' Push for a Commercial, Off-Reservation Casino

The Tribes began lobbying for the right to open Connecticut's first commercial casino in 2015. That summer, Connecticut enacted Special Act 15-7, which (i) granted the Tribes the exclusive right to execute a development agreement with a host municipality for the new off-reservation casino, but (ii) required them to return to the legislature to obtain authorization to

² SB 957 is also known as Connecticut Public Act 17-89.

³ See Mohegan Compact § 15(a); Mashantucket Pequot Procedures § 15(a).

operate that casino. In August 2015, the Tribes registered a jointly owned casino-development entity, MMCT Venture LLC, as authorized by Special Act 15-7. In February 2017, MMCT signed a casino-development contract with East Windsor, a town located 15 miles north of Hartford roughly 45 miles (and a one-hour drive) from the Tribes' reservations in southeastern Connecticut. The agreement calls for MMCT to operate a casino in an abandoned movie-theater complex, which is not located on "Indian lands" as defined by IGRA.

Rather than seeking to take the East Windsor plot into trust and obtain gaming approval under IGRA's two-part-determination process,⁴ the Tribes turned to the state legislature for authorization to operate their proposed off-reservation casino. In June 2017, the Tribes secured passage of SB 957, which authorizes MMCT to operate a casino in East Windsor.⁵

SB 957 provides that MMCT's authorization to operate the East Windsor casino "shall not be effective" until the Tribes satisfy three conditions: (i) the Tribes must amend their compacts and MOUs to allow for operation of the new MMCT casino; (ii) the Connecticut legislature must approve the compact and MOU amendments; and (iii) the compact and MOU amendments must be "approved or deemed approved by the Secretary of the United States Department of the Interior pursuant to [IGRA] and its implementing regulations." Thus, SB 957 makes DOI approval an indispensable part of what would otherwise be a purely state-law authorization process.

The conditions imposed by SB 957 are designed to allow MMCT to open its East Windsor casino without affecting the Tribes' duty to make 25 percent royalty payments on slots revenues at Foxwoods and Mohegan Sun. The conditions are necessary because, as described above, the Tribes' compacts and MOUs contain exclusivity provisions providing that if *any* entity (even a tribal-owned corporation such as MMCT) is authorized to conduct gaming in Connecticut, the Tribes' obligation to make royalty payments to the State ends. Amending the Tribes' compacts and MOUs to endorse the legal fiction that the authorization of MMCT to operate a casino in Connecticut does not constitute the authorization of an entity to operate a casino in Connecticut is intended to provide a way around that problem. But, as SB 957 acknowledges (and as DOI confirmed earlier this year), DOI approval is required of any such amendments.

In 2016, the Tribes drafted proposed compact amendments that would retain the Tribes' royalty duties so long as no entity *other than* MMCT conducts casino gaming in Connecticut.

⁴ See 25 U.S.C. § 2719(b).

⁵ Connecticut Governor Malloy signed SB 957 into law on June 27, 2017.

⁶ SB 957 § 14(c).

⁷ Other than approval by DOI, all but one of the approval steps outlined in SB 957 have been completed. The Governor of Connecticut executed amendments to the Mohegan compact and MOU and the Mashantucket Pequot Procedures and MOU on July 20, and the Connecticut House of Representatives approved those amendments on July 24, 2017—leaving approval by the Connecticut Senate as the final step in the process. *See* Conn. Gen. Stat. § 3-6c; SB 957 § 14(c)(3).

DOI issued *non-binding* technical assistance letters in April 2016 and May 2017, tentatively suggesting (i) that such amendments, if approved, would preserve the Tribes' exclusivity, and (ii) that DOI likely would not re-examine the underlying compacts if the amendments were submitted for review. The Department's letters do *not* address whether the amendments comply with IGRA or whether they would be approved if formally submitted.

Assuming that the Tribes make good on their promise to submit those amendments for review within the next few weeks, DOI will soon be called upon to approve or disapprove the Tribes' proposed amendments. The remainder of this White Paper explains why DOI should disapprove those amendments.

II. DOI Should Disapprove the Tribes' Proposed Amendments Because the Amendments Violate IGRA.

IGRA grants DOI broad authority to regulate gaming conducted on "Indian lands." In particular, IGRA directs DOI to review "Tribal-State compact[s] ... governing gaming on Indian lands" to ensure that they comply with IGRA and "[a]ny other provision of Federal law." DOI regulations further provide that "[a]ll amendments, regardless of whether they are substantive amendments or technical amendments, are subject to review and approval by the Secretary." The proposed amendments would revise the Tribes' gaming compacts with Connecticut and therefore are subject to DOI review (and approval or disapproval) under these provisions. 10

DOI should disapprove the proposed amendments because they violate IGRA. The amendments serve only one purpose: facilitating *commercial*, *off-reservation*, *non-IGRA* gaming. Indeed, not only do the amendments facilitate non-IGRA gaming, but they would do so at the *expense* of IGRA gaming because the East Windsor casino would undoubtedly draw customers from the Tribes' existing, IGRA-authorized casinos. IGRA's compacting process was never intended to be used in that way. The process was intended solely to facilitate Indian gaming on Indian lands by authorizing and requiring a Tribe and a State to agree how such gaming could be conducted without harming legitimate State interests. DOI approval of any compact reached by a Tribe and a State was required solely to insure that a State would not use its superior political leverage to impose unlawful regulatory requirements on Indian tribes or exact unlawful concessions from them. The process was not intended to facilitate gaming by Indian-owned businesses on non-Indian lands that would be subject to the full reach of the States' regulatory powers even without the agreement of the tribal owners. IGRA's text, structure, and legislative history and DOI's own precedent all confirm that amendments designed to further commercial, off-reservation gaming cannot be approved.

⁸ 25 U.S.C. § 2710(d)(8)(A)-(B).

⁹ 25 C.F.R. § 291.4; see also 25 C.F.R. § 291.14.

¹⁰ See, e.g., 25 C.F.R. §§ 293.4, 293.7, 291.14. Decisions approving or disapproving the amendments are subject to judicial review. See Amador County v. Salazar, 640 F.3d 373 (D.C. Cir. 2011).

Statutory Text. IGRA is clear: the Act is addressed exclusively to gaming "on Indian lands" *i.e.*, tribal reservations or trust lands. ¹¹ Indeed, one of IGRA's express purposes is to "establis[h] . . . independent Federal regulatory authority for gaming *on Indian lands*" and to provide "Federal standards for gaming *on Indian lands*." This focus is so central to IGRA's design that the provision governing tribal-state compacts repeats the phrase "Indian lands" *twenty-three* times. ¹³

Statutory Structure. IGRA's structure reinforces that limitation in two ways.

First, IGRA pairs each type of authorized gaming with ongoing federal regulation. The Act allows tribes to offer "class II gaming on Indian lands," subject to oversight by the National Indian Gaming Commission ("NIGC"), and permits class III gaming "on Indian lands," while granting the Secretary oversight over such gaming.¹⁴ The absence of a provision for continuing DOI regulation of off-reservation gaming thus speaks volumes.

Second, IGRA prohibits Indian gaming on off-reservation lands acquired after 1988 except in narrowly defined circumstances.¹⁵ The two-part-determination process is the *only* generally available exception to that prohibition.¹⁶ To qualify for that exception, newly acquired lands must be taken into trust a process that requires the Secretary to consider, among other factors, the distance between the new parcel and the tribe's reservation.¹⁷ Even when a tribe successfully navigates the fee-to-trust process, it cannot use newly acquired trust lands for casino gaming until (i) the Secretary determines that gaming on the new lands is appropriate and (ii) the relevant state governor concurs in the Secretary's determination.¹⁸ Allowing tribes to obtain authorization for off-reservation casinos through the compact-amendment process would circumvent this rigorous process.

<u>Legislative History</u>. IGRA's legislative history likewise shows that Congress designed the Act "to regulate gaming *on Indian lands*" and provide "a framework for the regulation of gaming activities *on Indian lands*." Floor statements from Senators (including a sponsor of IGRA)²⁰ as well as House members²¹ reiterate this fundamental point.

¹¹ 25 U.S.C. §§ 2703, 2710(d)(1); *see also id.* § 2701(3) (before IGRA, federal law did "not provide clear standards or regulations for the conduct of gaming *on Indian lands*" (emphasis added)).

¹² *Id.* § 2702(3).

¹³ See id. § 2710.

¹⁴ *Id.* § 2710(b)-(d).

¹⁵ *Id.* § 2719(a).

¹⁶ See id. § 2719(b).

¹⁷ 25 C.F.R. § 151.11(b), (c).

¹⁸ 25 U.S.C. § 2719(b)(1).

¹⁹ S. Rep. 100-446, 100th Cong., 2d Sess. 1, 5 (Aug. 3, 1988) (emphases added).

²⁰ 134 Cong. Rec. 24,023 (Sept. 15, 1988) (statement of sponsor Senator Inouye stressing that IGRA was intended to "bring a final resolution to the much-debated issue of the regulation of the conduct of gaming (continued...)

Judicial Precedent. The U.S. Supreme Court recently confirmed that "[e]verything literally everything in IGRA affords tools . . . to regulate gaming on Indian lands, and nowhere else." "Congress adopted IGRA in response to [the Supreme Court's] decision in California v. Cabazon Band of Mission Indians, which held that States lacked any regulatory authority over gaming on Indian lands." Thus, "the problem Congress set out to address in IGRA ... arose in Indian lands alone," "[a]nd the solution Congress devised ... reflected that fact." "23

Other courts, including at least three federal appellate courts, have likewise stressed that IGRA provides statutory authority only with respect to Indian gaming on Indian lands.²⁴ These courts have reasoned that "[t]ribal gaming on non-Indian lands is not authorized by or regulated under IGRA" and that tribes cannot use IGRA's procedures to "establish a class III gaming establishment on non-Indian lands."²⁵

<u>DOI Precedent</u>. Consistent with these authorities, DOI has acknowledged that tribes may not use IGRA's procedures to facilitate commercial, off-reservation casinos such as the one proposed by the Tribes. For example, the preamble to a 2008 Final Rule issued by the NIGC provides: "IGRA requires that all gaming take place on 'Indian lands.' Gaming that does not take place on Indian lands is subject to all state and local gaming laws and federal laws *apart from IGRA*." In 2002, Secretary Gale Norton likewise explained that using the compact-approval process to facilitate off-reservation gaming would "stretch" IGRA's "principles . . . in ways Congress never imagined" and that "IGRA does not envision that off-reservation gaming would become pervasive." Consistent with this understanding, DOI has disapproved compacts

activities on Indian lands" (emphasis added)); id. at 24,207 (statement of Senator Evans that "[b]y no means is any provision of this act Intended to extend beyond this field of gaming in Indian country").

²¹ 134 Cong. Rec. 25,377 (Sept. 26, 1988) (statement of Rep. Vucanovich that "[t]he principal objective of [IGRA] is to provide a statutory basis and an appropriate regulatory framework for gaming *on Indian lands*"); *id.* at 25,379 (statement of Rep. Oberstar that IGRA would "bring consistency to the way in which the Federal Government regulates gaming *on Indian lands*").

²² Bay Mills, 134 S. Ct. at 2034 (emphasis added).

²³ *Id*.

N. Cty. Cmty. All., Inc. v. Salazar, 573 F.3d 738, 744 (9th Cir. 2009) ("IGRA authorizes tribal gaming only on "Indian lands" as defined in 25 U.S.C. § 2703(4)."); Artichoke Joe's California Grand Casino v. Norton, 353 F.3d 712, 735 (9th Cir. 2003) ("IGRA pertains only to Indian lands" and "regulates activities only on Indian lands."); Oklahoma v. Hobia, 775 F.3d 1204, 1213 (10th Cir. 2014) ("IGRA is concerned only with ... gaming on Indian lands."); Amador Cty., Cal. v. Salazar, 640 F.3d 373, 377 (D.C. Cir. 2011) ("IGRA provides for gaming only on 'Indian lands."); Kansas v. United States, 249 F.3d 1213, 1222 (10th Cir. 2001) ("IGRA provides a comprehensive framework for gaming activities on Indian lands.").

²⁵ N. Ctv. Cmtv. All., 573 F.3d at 744; Artichoke Joe's, 353 F.3d at 735.

²⁶ 73 Fed. Reg. 6,019, 6,022 (Feb. 1, 2008) (citation omitted, emphasis added).

²⁷ Dept. of Interior, Seneca Nation of Indians – Deemed-Approval Decision, at 2-3 (Nov. 12, 2002), https://bia.gov/cs/groups/xoig/documents/text/idc-038394.pdf.

designed to facilitate gaming on lands that "are not now Indian lands of the Tribe, and thus cannot be the subject of a compact between the Tribe and the State." ²⁸

The proposed amendments to the Tribes' compacts do not concern Indian gaming or regulate gaming on Indian lands. Instead, their sole purpose and function would be to facilitate commercial gaming *off of* Indian lands. Because the amendments violate IGRA, DOI should disapprove them. As the D.C. Circuit recently held, federal agencies "may only take action that Congress has authorized." Approval of the Tribes' proposed amendments would contravene that bedrock administrative-law principle.

III. The Proposed Amendments Should Be Disapproved Because They Undermine DOI's Trust Responsibilities and Raise Constitutional Concerns.

Disapproval is warranted for two additional reasons.

First, approval of the Connecticut Framework would undermine DOI's trust responsibilities. Under federal law, DOI exercises a fiduciary trust responsibility on behalf of Indian tribes.³⁰ IGRA itself recognizes this role by providing that compacts and amendments may be disapproved if they violate "the trust obligations of the United States to Indians."³¹

In the Indian gaming context, part of this responsibility involves ensuring that tribes are the primary beneficiaries of Indian-gaming revenues and that states do not use their bargaining power to extract excessive revenue-sharing payments or other unfair concessions from tribes.

As a preliminary matter, the Connecticut Framework would undermine this balance struck by IGRA because the MMCT casino would be regulated solely under state law, and Connecticut could change that regulatory structure at any time. DOI would not have ongoing regulatory authority over MMCT's off-reservation casino, and the NIGC would not have oversight over the MMCT casino's management contracts or day-to-day operations. Instead, DOI's involvement would be limited to a one-shot review of the Tribes' proposed compact amendments. Thus, the revenue-sharing rate paid by the MMCT casino, the uses of those revenues, the operation of the casino, and other key issues would be governed solely by state law without being subject to the protections and limitations imposed by IGRA.³²

²⁸ Dept. of Interior, Ewiiaapaayp Band of Kumeyaay Indians – Disapproval Decision, at 1 (Mar. 18, 2008), https://bia.gov/cs/groups/xoig/documents/text/idc1-024667.pdf.

²⁹ Bais Yaakov of Spring Valley v. FCC, 852 F.3d 1078, 1082 (D.C. Cir. 2017); see also La. Pub. Serv. Comm'n v. FCC, 476 U.S. 355, 374 (1986) ("[A]n agency literally has no power to act ... unless and until Congress confers power upon it.").

³⁰ See, e.g., Cherokee Nation v. Georgia, 30 U.S. 1, 10 (1831).

³¹ 25 U.S.C. § 2710(d)(8)(B)(iii).

³² The absence of these federal protections could have far-reaching consequences. As just one example, tribal members not involved in casino operations could be prejudiced because revenue from the state-authorized casino would not be subject to limitations on use of net gaming revenues imposed by IGRA, which are designed to ensure that such revenues benefit the tribe as a whole. *See* 25 U.S.C. § 2710(b)(2)(B); 25 C.F.R. §§ 522.4, 522.6; 25 C.F.R. pt. 290.

The Connecticut Framework also presents other difficult issues implicating DOI's trust obligations. Most obviously, the MMCT casino would siphon customers from the Tribes' existing IGRA-authorized casinos such that the proposed amendments would inevitably promote off-reservation commercial gaming, but at the expense of on-reservation, IGRA-authorized gaming.

Second, approval of the Connecticut Framework would also raise constitutional concerns. Compact amendments may be approved only if they do not violate "any other provision of Federal law," which includes the U.S. Constitution.³³ Yet SB 957's grant of exclusive, no-bid commercial casino rights to the Tribes raises questions under the Equal Protection and Commerce Clauses: State-law (as opposed to federal-law) preferences for Indian tribes are subject to strict scrutiny as national-origin-based set-asides under the Equal Protection Clause,³⁴ and awarding rights exclusively to in-state entities without competitive process constitutes unlawful discrimination against out-of-state entities under the "dormant" Commerce Clause doctrine.³⁵ Even Connecticut's Attorney General has recognized these constitutional flaws, despite being required to defend the Connecticut Framework in court.³⁶ DOI should not facilitate the unconstitutional framework being developed in Connecticut by approving compact amendments whose sole function is to facilitate a discriminatory set-aside program.

IV. The Proposed Amendments Should Be Disapproved Because They Would Set a Dangerous Precedent for Off-Reservation Gaming.

Approval of the Connecticut Framework would set a precedent for expansion of off-reservation gaming. Tribal casinos operate in 28 states, any of which could seek to use the Connecticut Framework were DOI to endorse it by approving the Tribes' proposed compact amendments (or allowing those amendments to be "deemed approved").³⁷ Specifically, the Connecticut Framework would enable tribes to open casinos in cities like Miami, Phoenix, San Diego, and Seattle *without* following the land-in-trust and two-part-determination procedures prescribed by IGRA. Off-reservation gaming would be possible in those cities because the surrounding state is situated similarly to Connecticut: in each instance, tribes operate IGRA casinos in the state, and in each instance state law does not allow commercial gaming.³⁸ (Indeed, tribes have attempted to achieve this result through IGRA, without success; for example, in 2014

³³ 25 U.S.C. § 2710(d)(8)(B); 25 C.F.R. §§ 293.14, 291.8(a)(7).

³⁴ See Washington v. Confederated Bands & Tribes of the Yakima Indian Nation, 439 U.S. 463, 500–01 (1979); KG Urban Enters, LLC v. Patrick., 693 F.3d 1, 19 (1st Cir. 2012).

³⁵ See, e.g., Freedom Holdings, Inc. v. Spitzer, 357 F.3d 205, 217 (2d Cir. 2004); Gulch Gaming, Inc. v. South Dakota, 781 F. Supp. 621, 627 (D.S.D. 1991).

³⁶ Conn. AG Op. 2017-2, at 2-3 (Mar. 13, 2017) ("the potential of equal protection or commerce clause challenges succeeding in this context is not at all insubstantial"), http://www.ct.gov/ag/lib/ag/opinions/2017/2017-02 ag casino opinion to governor.pdf.

³⁷ See NIGC, Map of Indian Gaming Locations, https://www.nigc.gov/map/.

³⁸ See id. (showing that federally-recognized tribes operate IGRA-authorized casinos in these states).

Rep. Paul Gosar (R-AZ) testified about the "troubling" attempt by the Tohono O'odham Nation to move to "the Phoenix metropolitan area for the sole purpose of building a casino."³⁹)

Senators and Members of Congress have repeatedly expressed this concern:

- On May 9, 2017, Senator John McCain (R-AZ), one of IGRA's principal authors, wrote to Secretary Zinke, specifically addressing the Connecticut Framework's flaws. Senator McCain warned that approving the Tribes' proposed compact amendments could lead to "an unprecedented expansion of off-reservation gaming" and that the Connecticut Framework represents an attempt to "skirt the existing legal framework for pursuing off-reservation gaming under the Indian Gaming Regulatory Act (IGRA)."
- On February 15, 2017, Representative Rob Bishop (R-UT), Chairman of the House Committee on Natural Resources, wrote to Acting Deputy Secretary James E. Cason, expressing concern regarding "approvals of Indian casinos located outside existing reservations," particularly in the Obama administration's waning days. Chairman Bishop emphasized that "many" members of the Committee on Natural Resources "are on record expressing concerns with off-reservation gambling" and asked that "[a]ny legal opinion" regarding that issue "be scrutinized ... because of the precedent it may set for future actions."
- In June 2017, Senator Dean Heller (R-NV), spoke with Secretary Zinke and Assistant Deputy Secretary Jim Cason to express concerns with the Department's prospective approval of the proposed compact amendments because such approval would violate IGRA and set a troubling precedent for off-reservation gaming in other jurisdictions.

V. DOI Should Affirmatively Disapprove the Tribes' Proposed Amendments.

IGRA plainly confers on DOI authority to disapprove these potential compact amendments, ⁴⁰ and for all the reasons set forth above DOI should exercise that authority by affirmatively disapproving the amendments.

A. DOI Should Not Allow the Amendments to Be "Deemed" Approved.

Although IGRA provides that if DOI does not act on a compact amendment within 45 days after it is submitted, the amendment is "deemed" approved by operation of law, 41 DOI should not allow these amendments to be "deemed approved." *First*, as explained above, affirmative disapproval is warranted because the amendments violate IGRA. IGRA itself states that a compact or amendment that is deemed approved is only approved to the extent that it does not violate federal law. And courts have held that DOI "may not allow a compact that violates" IGRA "to go into effect by operation of law," thus indicating that DOI must disapprove illegal

³⁹ S. Hrg. 113-502, at 5.

⁴⁰ See Part II, supra.

⁴¹ 25 U.S.C. § 2710(d)(8)(C); 25 C.F.R. § 293.12.

compact amendments.⁴² *Second*, allowing these amendments to be approved would, as discussed above, set a dangerous precedent and would create additional legal uncertainties relating to MMCT's East Windsor casino. *Third*, allowing the amendments to be deemed approved would have the same practical effect as an affirmative approval because the amendment would become operative and allow MMCT's East Windsor casino to proceed. That would effectively place DOI's stamp of approval on amendments that violate IGRA, which DOI should not countenance.

B. The Mashantucket Amendment May Not Be "Deemed" Approved.

Finally, the Mashantucket Pequot Procedures should be disapproved for another, independent reason: they are not subject to a "deemed" approval process, and the Secretary must affirmatively approve or reject the amendments to the Procedures. ⁴³ The Part 291 regulations do not contain any "deemed" approval provision, but rather provide that the Secretary "must review" any amendments pursuant to same process for reviewing initial proposals. ⁴⁴

⁴² Amador County, 640 F.3d at 382.

⁴³ See 25 C.F.R. §§ 291.8, 291.14.

⁴⁴ 25 C.F.R. § 291.14.

DOI Approval of the Connecticut Tribes' Proposed Compact Amendments Would Contravene Both the Legal and Policy Framework of IGRA

- The Mashantucket Pequot Indian Tribe and the Mohegan Tribes of Indians ("Tribes") of Connecticut ("CT") seek to use a novel combination of state legislation and federal regulatory action to authorize a new commercial casino.
- The Tribes operate on-reservation casinos under separate compacts with the Department of the Interior ("DOI") and memoranda of understanding ("MOUs") with CT. The arrangements contain revenue-sharing and exclusivity provisions, providing that if *any* other entity is authorized to conduct gaming in CT, the revenue-sharing duties of the Tribes terminate.
- Connecticut recently enacted statute Senate Bill 957 ("SB 957") authorizing the Tribes to operate an *off-reservation* casino. Both SB 957 and federal law require DOI to review and approve compact amendments to authorize a tribal joint venture to conduct gaming in CT without terminating the revenue-sharing duties of the on-reservation casinos.
- Although DOI issued technical-assistance letters suggesting the amendments would preserve the compact exclusivity provisions and DOI would not re-examine the underlying compacts, they are *non-binding* and contrary to the Indian Regulatory Gaming Act ("IGRA").
- DOI should disapprove the proposed amendments because they violate IGRA by seeking to invoke DOI approval of non-IGRA, *off-reservation* gaming and contravene the very purpose of IGRA and DOI's policies regarding Indian gaming.
- DOI Should Reject Amendments Designed to Further Non-IGRA, Off-Reservation Gaming. IGRA is clear: the Act is addressed *exclusively* to gaming "on Indian lands," *i.e.*, either tribal reservations or trust lands. The proposed amendments to the Tribes' compacts do not concern or regulate Indian gaming on Indian lands. Instead, they exist solely to facilitate commercial gaming *off of* Indian lands. IGRA's text and DOI's own precedent confirm that amendments that further non-IGRA, off-reservation gaming cannot be approved.
- **DOI Disapproval Follows a Clear Principal of IGRA and DOI Policy.** Both IGRA and DOI policy are based on the principle that IGRA is intended to promote on-reservation gaming. DOI disapproval would prevent siphoning of customers from existing IGRA-authorized casinos to a commercial casino.
- DOI Disapproval Prevents a Problematic Precedent of Circumventing Carefully Set Procedures to Allow the Expansion of Commercial Casinos. IGRA's text, judicial precedent, and federal policy give two options to pursue an off-reservation casino: (i) establish the casino under state law, without enlisting DOI in the process, or (ii) obtain federal approval through the land-in-trust and two-part-determination processes. DOI should not permit the Tribes to circumvent this process by creating a hybrid procedure in which DOI provides an initial sign-off, but lacks ongoing regulatory authority over the new casino. Disapproval would prevent tribes in the 28 other states that do not allow commercial gaming from circumventing IGRA's procedures for gaming on newly acquired lands.

To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Smith, Ryan A.[RSmith@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-03T11:31:54-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-08-03T11:32:01-04:00

Hi Holly.

Sorry for the delay. Does Friday at 4pm work?

Thanks

On Tue, Aug 1, 2017 at 11:08 AM, Noles, Holly A. < HNOLES@bhfs.com wrote:

Hi Gareth- Please see the attached materials for the request below. Does Mr. Cason have an opening between 3:30-6PM this Friday? Thank you for your help.

From: Noles, Holly A.

Sent: Friday, July 28, 2017 11:11 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth- I'm following up on the request below. Thank you for your help.

From: Noles, Holly A.

Sent: Tuesday, July 25, 2017 11:40 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth,

I am reaching out on behalf of MGM to request a meeting with Mr. Cason as a follow-up discussion regarding the proposed Compact Amendment of the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation. Attendees would be Ayesha Molino of MGM as well as Ryan Smith and Larry Jensen of Brownstein Hyatt Farber Schreck. Would Mr. Cason be available for any of the time below? Thank you in advance for your help.

Thursday, July 27th -10:30AM-1PM; 4:30PM-6PM

Friday, July 28th- 3:30PM-5PM

Monday, July 31st- 3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-02T15:56:02-04:00

Importance: Normal Subject: Re: David's Things

Received: 2017-08-02T15:57:03-04:00

We have everything. Thanks

On Wed, Aug 2, 2017 at 3:05 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Just left on the truck. Headed your way.

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-08-02T15:05:25-04:00

Importance: Normal Subject: David's Things

Received: 2017-08-02T15:06:11-04:00

Just left on the truck. Headed your way.

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To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-08-01T15:41:49-04:00

Importance: Normal

Subject: FW: Shipment 2602730 Created **Received:** 2017-08-01T15:42:09-04:00

FYI for tomorrow

From: info@washingtonexpress.com [mailto:info@washingtonexpress.com]

Sent: Tuesday, August 01, 2017 3:39 PM

To: De Guzman, Joy

Subject: Shipment 2602730 Created

Washington Express LLC | Order 2602730 Created

Account Name: Brownstein Hyatt Farber Schreck Account #: 14322

Caller: Joy De Guzman Requestor:

Service: Regular, Minivan

Pieces: 27, Box-Trunk-Pics

Courier: Reference: 0000-0David Bernhardt

Ready Time: 8/2/2017 2:00:00 PM **Approx Deliver Time:** 8/2/2017 5:00:00 PM

Pickup Address:

Brownstein Hyatt Farber Schreck 1155 F St NW, Suite 1200 Washington, DC 20004 Lov De Guzman (202)296-7353 (424) 3

Joy De Guzman (202)296-7353 (424) 376-6562

Delivery Address:

DOI Ofc Of Deputy Secretary 1849 C St NW, Call Gareth Upon Arrival

Washington, DC 20240

David Bernhardt C/o Gareth Rees (202) 208-3905

Order Notes: 2:00PM TC 8/2 *Del Btwn 3-5pm* 27pcs: 16 XB & 11 PICS (largest is 20x24) bubble-

wrapped

The shipment is now in process of being dispatched. Washington Express does charge a wait time fee for unforeseen circumstances. We will leave all items at the front door of residences if there is no answer, unless otherwise requested.

Track Your Order: <u>Click here to track the status of your order</u> | Contact Us: 301-210-3500

How are we doing? <u>Click here to take a survey</u> | Check us out on <u>Did you know Washington Express offers other services. <u>Click here</u> for more information.</u>

Washington Express liability for damage to your shipment is limited to \$100 unless a higher replacement value is declared at the time your order is placed. Washington Express will assume additional liability for a fee of \$25 per \$1,000 of value to a maximum of \$50,000. The declared value represents Washington Express maximum liability. Any claims for damage or loss must be reported to Washington Express within 72 hours of delivery. Loss in excess of the declared value is assumed by the shipper. Washington Express does not cover intrinsic value.

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To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-08-01T15:45:03-04:00

Importance: Normal

Subject: Re: FW: Shipment 2602730 Created **Received:** 2017-08-01T15:45:09-04:00

Thanks Holly

On Tue, Aug 1, 2017 at 3:41 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

FYI for tomorrow

From: info@washingtonexpress.com [mailto:info@washingtonexpress.com]

Sent: Tuesday, August 01, 2017 3:39 PM

To: De Guzman, Joy

Subject: Shipment 2602730 Created

Washington Express LLC || Order 2602730 Created

Account Name: Brownstein Hyatt Farber Schreck Account #: 14322

Caller: Joy De Guzman Requestor:

Service: Regular, Minivan

Pieces: 27, Box-Trunk-Pics

Courier: Reference: 0000-0David Bernhardt

Ready Time: 8/2/2017 2:00:00 PM **Approx Deliver Time:** 8/2/2017 5:00:00 PM

Pickup Address:

Brownstein Hyatt Farber Schreck 1155 F St NW, Suite 1200 Washington, DC 20004 Joy De Guzman (202)296-7353 (424) 376-6562 **Delivery Address:**

DOI Ofc Of Deputy Secretary 1849 C St NW, Call Gareth Upon Arrival

Washington, DC 20240

David Bernhardt C/o Gareth Rees (202) 208-3905

Order Notes: 2:00PM TC 8/2 *Del Btwn 3-5pm* 27pcs: 16 XB & 11 PICS (largest is 20x24) bubble-

wrapped

The shipment is now in process of being dispatched. Washington Express does charge a wait time fee for unforeseen circumstances. We will leave all items at the front door of residences if there is no answer, unless otherwise requested.

Track Your Order: Click here to track the status of your order | Contact Us: 301-210-3500

How are we doing? Click here to take a survey | Check us out on



Did you know Washington Express offers other services. Click here for more information.

Washington Express liability for damage to your shipment is limited to \$100 unless a higher replacement value is declared at the time your order is placed. Washington Express will assume additional liability for a fee of \$25 per \$1,000 of value to a maximum of \$50,000. The declared value represents Washington Express maximum liability. Any claims for damage or loss must be reported to Washington Express within 72 hours of delivery. Loss in excess of the declared value is assumed by the shipper. Washington Express does not cover intrinsic value.

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-08-01T11:10:15-04:00

Importance: Normal Subject: RE: David Bernhardt

Received: 2017-08-01T11:10:31-04:00

Great. I'm going to try to have it sent over tomorrow....I will give you the time window as soon as I have it. What is the room number it needs to be sent to?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Monday, July 31, 2017 4:25 PM

To: Noles, Holly A.

Subject: Re: David Bernhardt

I will be here and happy to be POC

On Mon, Jul 31, 2017 at 4:23 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote: I need to send David's items over this week. Can I put your name and number as the contact and will you be around on Wednesday or Thursday?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Monday, July 31, 2017 12:07 PM

To: Noles, Holly A.

Subject: Re: David Bernhardt

Hi Holly

Thanks for reaching out and letting me know that some personal things will be on the way. Unsurprisingly things are a little crazy here at the moment but it will be great to get David on board and get to work. Like wise, if you need to contact me, feel free to call me direct on 202-208-3905.

Thanks Gareth

On Mon, Jul 31, 2017 at 10:59 AM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote: Hi Gareth-

I am David's current assistant and he let me know that you would be handling his schedule at Interior. I just wanted to reach out to let you know that I will be sending some things to you over the next couple of days regarding his personal information. If you have any questions please don't hesitate to reach out- (b) (6) Good luck, I 'm sure you guys will be a great team.

-Holly

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-07-31T16:23:49-04:00

Importance: Normal Subject: RE: David Bernhardt

Received: 2017-07-31T16:24:08-04:00

I need to send David's items over this week. Can I put your name and number as the contact and will you be around on Wednesday or Thursday?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Monday, July 31, 2017 12:07 PM

To: Noles, Holly A.

Subject: Re: David Bernhardt

Hi Holly

Thanks for reaching out and letting me know that some personal things will be on the way. Unsurprisingly things are a little crazy here at the moment but it will be great to get David on board and get to work. Like wise, if you need to contact me, feel free to call me direct on 202-208-3905.

Thanks Gareth

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-Holly

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__

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-07-31T12:07:01-04:00

Importance: Normal Subject: Re: David Bernhardt

Received: 2017-07-31T12:07:08-04:00

Hi Holly

Thanks for reaching out and letting me know that some personal things will be on the way. Unsurprisingly things are a little crazy here at the moment but it will be great to get David on board and get to work. Like wise, if you need to contact me, feel free to call me direct on 202-208-3905.

Thanks Gareth

On Mon, Jul 31, 2017 at 10:59 AM, Noles, Holly A. < HNOLES@bhfs.com wrote:

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(b) (6) Good luck, I 'm sure you guys will be a great team.

-Holly

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--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Rees, Gareth

Sent: 2017-07-31T16:25:10-04:00

Importance: Normal Subject: Re: David Bernhardt

Received: 2017-07-31T16:25:17-04:00

I will be here and happy to be POC

On Mon, Jul 31, 2017 at 4:23 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

I need to send David's items over this week. Can I put your name and number as the contact and will you be around on Wednesday or Thursday?

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Monday, July 31, 2017 12:07 PM

To: Noles, Holly A.

Subject: Re: David Bernhardt

Hi Holly

Thanks for reaching out and letting me know that some personal things will be on the way. Unsurprisingly things are a little crazy here at the moment but it will be great to get David on board and get to work. Like wise, if you need to contact me, feel free to call me direct on 202-208-3905.

Thanks

Gareth

On Mon, Jul 31, 2017 at 10:59 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Hi Gareth-

I am David's current assistant and he let me know that you would be handling his schedule at Interior. I just wanted to reach out to let you know that I will be sending some things to you over the next couple of days regarding his personal information. If you have any questions

please don't hesitate to reach out- (b) (6) Good luck, I 'm sure you guys will be a great team.

-Holly

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

--

Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

To: 'gareth_rees@ios.doi.gov'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-07-31T10:59:23-04:00

Importance: Normal Subject: David Bernhardt

Received: 2017-07-31T11:00:27-04:00

Hi Gareth-

I am David's current assistant and he let me know that you would be handling his schedule at Interior. I just wanted to reach out to let you know that I will be sending some things to you over the next couple of days regarding his personal information. If you have any questions please don't hesitate to reach out- (b) (6) Good luck, I 'm sure you guys will be a great team.

-Holly

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: McGrath, William J.

Sent: 2017-07-26T11:37:06-04:00

Importance: Normal

Subject: Read: Re: Meeting request- Active Network **Received:** 2017-07-26T11:37:47-04:00

Read Re Meeting request- Active Network

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: McGrath, William J.

Sent: 2017-07-26T11:37:06-04:00

Importance: Normal

Subject: Read: Re: Meeting request- Active Network **Received:** 2017-07-26T11:37:06-04:00

Your message

To: McGrath, William J.

Subject: Re: Meeting request- Active Network

Sent: Wednesday, July 26, 2017 11:35:34 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, July 26, 2017 11:37:06 AM (UTC-05:00) Eastern Time (US & Canada).

To: 'gareth_rees@ios.doi.gov'[gareth_rees@ios.doi.gov]

Cc: Smith, Ryan A.[RSmith@BHFS.com]

From: Noles, Holly A.

Sent: 2017-07-28T11:11:15-04:00

Importance: Normal

Subject: FW: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-07-28T11:11:28-04:00

Good Morning Gareth- I'm following up on the request below. Thank you for your help.

From: Noles, Holly A.

Sent: Tuesday, July 25, 2017 11:40 AM

To: 'gareth rees@ios.doi.gov'

Cc: Smith, Ryan A.

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Good Morning Gareth,

I am reaching out on behalf of MGM to request a meeting with Mr. Cason as a follow-up discussion regarding the proposed Compact Amendment of the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation. Attendees would be Ayesha Molino of MGM as well as Ryan Smith and Larry Jensen of Brownstein Hyatt Farber Schreck. Would Mr. Cason be available for any of the time below? Thank you in advance for your help.

Thursday, July 27th -10:30AM-1PM; 4:30PM-6PM

Friday, July 28th-3:30PM-5PM

Monday, July 31st- 3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: McGrath, William J.

Sent: 2017-07-25T14:00:48-04:00

Importance: Normal

Subject: RE: Meeting request- Active Network **Received:** 2017-07-25T14:01:10-04:00

Cathy,

One thing I wanted to make clear is that this request is to meet Todd in his capacity as Acting Assistant Secretary of Fish Wildlife and Parks not in his position with the deputy secretary's office.

Thanks, Bill

William J. McGrath

Shareholder Brownstein Hyatt Farber Schreck, LLP 1155 F Street N.W., Suite 1200 Washington, DC 20004 202.383.4703 tel

(b) (6) cell wmcgrath@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, July 25, 2017 9:38 AM

To: McGrath, William J.

Subject: Re: Meeting request- Active Network

Hello Mr. McGrath,

Mr. Willens requested that this meeting take place this week (before Mr. Bernhardt is sworn in next week). We hope that you can assist Active Network in making this happen. Again, please call me at 202-208-1739 to set up a time. Thank you!

Best, Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Tue, Jul 25, 2017 at 7:20 AM, Gulac, Catherine <<u>catherine_gulac@ios.doi.gov</u>> wrote: Good morning Mr. McGrath,

I am back in the office today. Please call me at 202-208-1739 or 202-208-6291 and we can find a 30 minute block of time for your client, Active Network, to meet with Todd. Thank you.

Cathy

Catherine Gulac
U.S. Department of the Interior

Office of the Deputy Secretary 1849 C St, NW, MS 7328 Washington, D.C. 20240 202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax Catherine Gulac@ios.doi.gov

On Thu, Jul 20, 2017 at 9:07 PM, Todd Willens < todd_willens@ios.doi.gov > wrote: Bill.

I am CC'ing Cathy Gulac in my office. She can assist with setting this up.
Cathy is out till Tuesday and will respond then.
Todd Willens
Assistant Deputy Secretary
Acting Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, NW - MIB Room 6116
Washington, DC 20240
On Jul 20, 2017, at 4:38 PM, McGrath, William J. <<u>wmcgrath@bhfs.com</u>> wrote:

Todd,

I wanted to see if you had a few minutes to meet with our client Active Network. Active runs the <u>Recreation.gov</u> website and would like to discuss some of the opportunities moving forward. Do you have any time on Tuesday August 8th to meet? I think it would only be 30 minutes at most.

Thanks, Bill

William J. McGrath

Shareholder **Brownstein Hyatt Farber Schreck, LLP** 1155 F Street N.W., Suite 1200 Washington, DC 20004 202.383.4703 tel

(b) (6) cell wmcgrath@bhfs.com

To: McGrath, William J.[wmcgrath@bhfs.com]
Cc: Tasha Robbins[tasha_l_robbins@ios.doi.gov]

From: Gulac, Catherine

Sent: 2017-07-26T11:35:34-04:00

Importance: Normal

Subject: Re: Meeting request- Active Network **Received:** 2017-07-26T11:35:42-04:00

Hello Mr. McGrath,

Thank you for the clarification. Since this meeting request is for Mr. Willens in his capacity as Acting Assistant Secretary of Fish Wildlife and Parks, he asked that this be set up by that office. I am cc'ing Tasha Robbins who will be happy to assist you in scheduling this meeting.

Here is Tasha's contact information:

Tasha L. Robbins Executive Assistant Office of the Assistant Secretary for Fish and Wildlife and Parks 1849 C Street, NW, Room 3160 202-208-4416

Best, Cathy

Cathy,

Thanks,

Bill

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Tue, Jul 25, 2017 at 2:00 PM, McGrath, William J. < wmcgrath@bhfs.com > wrote:

One thing I wanted to make clear is that this request is to meet Todd in his capacity as Acting Assistant Secretary of Fish Wildlife and Parks not in his position with the deputy secretary's office.

William J. McGrath

Shareholder Brownstein Hyatt Farber Schreck, LLP 1155 F Street N.W., Suite 1200 Washington, DC 20004 202.383.4703 tel

(b) (6) cell wmcgrath@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, July 25, 2017 9:38 AM

To: McGrath, William J.

Subject: Re: Meeting request- Active Network

Hello Mr. McGrath,

Mr. Willens requested that this meeting take place this week (before Mr. Bernhardt is sworn in next week). We hope that you can assist Active Network in making this happen. Again, please call me at 202-208-1739 to set up a time. Thank you!

Best,

Cathy

Catherine Gulac

U.S. Department of the Interior

Office of the Deputy Secretary

1849 C St, NW, MS 7328

Washington, D.C. 20240

202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

On Tue, Jul 25, 2017 at 7:20 AM, Gulac, Catherine < catherine gulac@ios.doi.gov > wrote:

Good morning Mr. McGrath,

I am back in the office today. Please call me at 202-208-1739 or 202-208-6291 and we can find a 30 minute block of time for your client, Active Network, to meet with Todd.

Thank you.

Cathy

Catherine Gulac

U.S. Department of the Interior

Office of the Deputy Secretary

1849 C St, NW, MS 7328

Washington, D.C. 20240

202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

On Thu, Jul 20, 2017 at 9:07 PM, Todd Willens < todd_willens@ios.doi.gov > wrote: Bill,

I am CC'ing Cathy Gulac in my office. She can assist with setting this up.

Cathy is out till Tuesday and will respond then.

Todd Willens

Assistant Deputy Secretary

Acting Assistant Secretary for Fish and Wildlife and Parks

U.S. Department of the Interior

1849 C Street, NW - MIB Room 6116

Washington, DC 20240

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William J. McGrath

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(b) (6) cell wmcgrath@bhfs.com

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: McGrath, William J.

Sent: 2017-07-25T07:52:21-04:00

Importance: Normal

Subject: Read: Re: Meeting request- Active Network **Received:** 2017-07-25T07:52:35-04:00

Read: Re: Meeting request- Active Network

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: McGrath, William J.

Sent: 2017-07-25T07:52:21-04:00

Importance: Normal

Subject: Read: Re: Meeting request- Active Network **Received:** 2017-07-25T07:52:22-04:00

Your message

To: McGrath, William J.

Subject: Re: Meeting request- Active Network

Sent: Tuesday, July 25, 2017 7:20:30 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, July 25, 2017 7:52:21 AM (UTC-05:00) Eastern Time (US & Canada).

To: 'gareth_rees@ios.doi.gov'[gareth_rees@ios.doi.gov]

Cc: Smith, Ryan A.[RSmith@BHFS.com]

From: Noles, Holly A.

Sent: 2017-07-25T11:39:54-04:00

Importance: Normal

Subject: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-07-25T11:40:09-04:00

Good Morning Gareth,

I am reaching out on behalf of MGM to request a meeting with Mr. Cason as a follow-up discussion regarding the proposed Compact Amendment of the Mohegan Tribe of Indians of Connecticut and the Mashantucket Pequot Tribal Nation. Attendees would be Ayesha Molino of MGM as well as Ryan Smith and Larry Jensen of Brownstein Hyatt Farber Schreck. Would Mr. Cason be available for any of the time below? Thank you in advance for your help.

Thursday, July 27th -10:30AM-1PM; 4:30PM-6PM

Friday, July 28th-3:30PM-5PM

Monday, July 31st- 3PM-5PM

Friday, August 4th-3:30PM-5PM

Respectfully,

Holly Noles

To: Rojas, Ericka L.[EROJAS@bhfs.com]
Cc: Smith, Ryan A.[RSmith@bhfs.com]

From: Rees, Gareth

Sent: 2017-06-06T14:11:02-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-06-06T14:11:09-04:00

Sounds good. Thanks for confirming

On Tue, Jun 6, 2017 at 2:07 PM, Rojas, Ericka L. < <u>EROJAS@bhfs.com</u>> wrote:

Hi Gareth,

Thanks for reaching out to confirm! Yes, we would still like to meet with Mr. Cason at 2:00pm on Friday, June 9th as the subject of the meeting was not discussed in depth today. Also, Larry Jensen will be present during Friday's meeting.

Best,

Ericka

Ericka L. Rojas

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2340 tel

EROJAS@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Tuesday, June 06, 2017 1:13 PM

To: Rojas, Ericka L.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Ericka

I just wanted to follow-up on this meeting. Jim meet with MGM today as there was a meeting scheduled through Vincent DeVito. As this meeting has already taken place, do we still need the Friday meeting?
Thanks
Gareth
On Wed, May 24, 2017 at 9:25 AM, Rees, Gareth < gareth_rees@ios.doi.gov > wrote:
Ericka,
Sounds good. The meeting will take place at the Main Interior Building, room 6120. If anything comes up, please feel free to contact me.
Thanks
Gareth
On Wed, May 24, 2017 at 9:06 AM, Rojas, Ericka L. < <u>EROJAS@bhfs.com</u> > wrote:
Hi Gareth,
2:00pm on Friday, June 9 th works great! What room should Ryan and Ayesha meet?
Best,
Ericka

Ericka L. Rojas

Administrative Assistant Brownstein Hyatt Farber Schreck, LLP 1155 F Street N.W., Suite 1200 Washington, DC 20004 202.652.2340 tel EROJAS@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Tuesday, May 23, 2017 1:32 PM

To: Rojas, Ericka L.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi,

I could make either 1pm or 2pm on June 9 work?

G

On Tue, May 23, 2017 at 1:07 PM, Rojas, Ericka L. < <u>EROJAS@bhfs.com</u>> wrote:

Hi Gareth,

Friday, June 9th at 10am doesn't work on our end. Would any time after 11:00am on the 9th work? Or, are there other openings during that week? Also, we would like to secure the meeting with Mr. Cason and if Mr. Black can attend that would be great but meeting with Mr. Cason is most ideal.

Thanks,

Ericka

Ericka L. Rojas

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2340 tel

EROJAS@bhfs.com

From: Rojas, Ericka L.

Sent: Tuesday, May 23, 2017 11:44 AM

To: 'Rees, Gareth'

Cc: Catherine Gulac; Smith, Ryan A.

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Gareth,

Thanks for suggesting June 9th at 10am. I will check on our end and let you know asap. To clarify, this is for a meeting with Mr. Cason and Mr. Black, correct? We are hoping to meet with both, however, ideally with Mr. Cason if schedules conflict.

Best,

Ericka

Ericka L. Rojas

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2340 tel
EROJAS@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Tuesday, May 23, 2017 11:40 AM

To: Rojas, Ericka L.

Cc: Catherine Gulac; Smith, Ryan A.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Ericka

I know Mike Black is on travel next week. Is there a chance we could look at late the following week for this meeting? I know I currently have Friday June 9 at 10am available.

Thanks

On Fri, May 19, 2017 at 4:13 PM, Rojas, Ericka L. <<u>EROJAS@bhfs.com</u>> wrote: Hi Cathy and Gareth,

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Does Mr. Cason, and perhaps Messrs. Michael Black, and Eric Shepherd, have availability during next week or the following week?

Thanks for your consideration.

Best,

Ericka

Ericka L. Rojas

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

Cell: (b) (6)

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Tel: 202-208-6291

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To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]
Cc: Smith, Ryan A.[RSmith@BHFS.com]

From: Rojas, Ericka L.

Sent: 2017-06-06T14:07:39-04:00

Importance: Normal

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-06-06T14:08:00-04:00

Hi Gareth,

Thanks for reaching out to confirm! Yes, we would still like to meet with Mr. Cason at 2:00pm on Friday, June 9th as the subject of the meeting was not discussed in depth today. Also, Larry Jensen will be present during Friday's meeting.

Best, Ericka

Ericka L. Rojas

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Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

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Thanks

Gareth

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Ericka,

Sounds good. The meeting will take place at the Main Interior Building, room 6120. If anything comes up, please feel free to contact me.

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Best, Ericka

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To: Rojas, Ericka L.

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Ericka L. Rojas

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1155 F Street N.W., Suite 1200
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202.652.2340 tel
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From: Rojas, Ericka L.

Sent: Tuesday, May 23, 2017 11:44 AM

To: 'Rees, Gareth'

Cc: Catherine Gulac; Smith, Ryan A.

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Gareth,

Thanks for suggesting June 9th at 10am. I will check on our end and let you know asap. To clarify, this is for a meeting with Mr. Cason and Mr. Black, correct? We are hoping to meet with both, however, ideally with Mr. Cason if schedules conflict.

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Ericka L. Rojas

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Washington, DC 20004
202.652.2340 tel
EROJAS@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Tuesday, May 23, 2017 11:40 AM

To: Rojas, Ericka L.

Cc: Catherine Gulac; Smith, Ryan A.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Hi Ericka

I know Mike Black is on travel next week. Is there a chance we could look at late the following week for this meeting? I know I currently have Friday June 9 at 10am available.

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Washington, DC 20004

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Gareth C. Rees

Office to the Deputy Secretary

U.S. Department of the Interior

Tel: 202-208-6291

Fax: 202-208-1873

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To: McGrath, William J.[wmcgrath@bhfs.com]

From: Gulac, Catherine

Sent: 2017-07-25T09:38:18-04:00

Importance: Normal

Subject: Re: Meeting request- Active Network **Received:** 2017-07-25T09:38:25-04:00

Hello Mr. McGrath,

Mr. Willens requested that this meeting take place this week (before Mr. Bernhardt is sworn in next week). We hope that you can assist Active Network in making this happen. Again, please call me at 202-208-1739 to set up a time. Thank you!

Best, Cathy

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(b) (6) cell wmcgrath@bhfs.com

To: Rojas, Ericka L.[EROJAS@bhfs.com]

From: Rees, Gareth

Sent: 2017-06-06T13:12:36-04:00

Importance: Normal

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

Received: 2017-06-06T13:12:46-04:00

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Ericka L. Rojas

Administrative Assistant

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1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2340 tel
EROJAS@bhfs.com

From: Rojas, Ericka L.

Sent: Tuesday, May 23, 2017 11:44 AM

To: 'Rees, Gareth'

Cc: Catherine Gulac; Smith, Ryan A.

Subject: RE: Meeting Request: MGM Meeting with Mr. Jim Cason

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Ericka L. Rojas

Administrative Assistant

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1155 F Street N.W., Suite 1200

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202.652.2340 tel

EROJAS@bhfs.com

From: Rees, Gareth [mailto:gareth rees@ios.doi.gov]

Sent: Tuesday, May 23, 2017 11:40 AM

To: Rojas, Ericka L.

Cc: Catherine Gulac; Smith, Ryan A.

Subject: Re: Meeting Request: MGM Meeting with Mr. Jim Cason

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Does Mr. Cason, and perhaps Messrs. Michael Black, and Eric Shepherd, have availability during next week or the following week?

Thanks for your consideration.

Best,

Ericka

Ericka L. Rojas

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EROJAS@bhfs.com

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Tel: 202-208-6291

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To: nicholas_davis@ios.doi.gov[nicholas_davis@ios.doi.gov]; samantha_hebert@ios.doi.gov[samantha_hebert@ios.doi.gov];

leila_getto@ios.doi.gov[leila_getto@ios.doi.gov]

Cc: Tim Davis[tdavis@blackfeetnation.com]

From: Kendall Edmo

Sent: 2018-10-17T12:32:23-04:00

Importance: Normal

Subject: Blackfeet Tribal Business Council's Request to Meet w/ Secretary Zinke

Received: 2018-10-17T12:32:44-04:00

Meeting Proposal Information Form.pdf Letter to DOI Sec Zinke Oct 2018[684652].pdf

Good afternoon Nick,

Attached is the Meeting Proposal Information Form and another attachment from the Blackfeet Tribal Business Council. Please contact me if you have any questions as there is a deadline fast approaching. I will follow up with you later today or tomorrow.

Thank you for your help!

Warm Regards,

_-

Kendall Edmo
Deputy THPO for Conservation
Blackfeet Nation
Browning, MT
(406) 338-7521 ext. 2304

U.S. Department of the Interior – Office of the Secretary

Meeting Information Request Form

*Please complete this form and send to scheduling@ios.doi.gov

To ensure that the appropriate individual within the Department of the Interior is meeting with you on a given matter and because the Office of the Secretary is committed to maintaining the highest ethical standards, we request that you answer the following questions before we can agree to schedule a meeting.

Requesting individual/organization (Please describe the person (name and affiliation) requesting the meeting including any background information on the organization.	Chairman Timothy Davis Blackfeet Tribal Business Council (BTBC) Blackfeet Tribe
Describe the action you are seeking by the Secretary:	 Appeal Judge Richard Leon's decision overturning lease cancelation in the Badger Two Medicine National Monument/Permanent Protection for the Badger Two Medicine Area
Meeting date (if date is flexible please indicate the range):	As soon as possible or the week of November 12, 2018.
Please explain the time sensitivity of the request, <u>if any</u> , including what is driving the timing of the request, such as court-ordered or statutory deadline:	DOI and DOJ have until November 23 rd to appeal Judge Leon's ruling.
Meeting location (City, State):	Washington, DC
Expected meeting participants (name, title, and organization):	Timothy Davis, BTBC Chairman, Blackfeet Tribe Terry Tatsey, BTBC member, Blackfeet Tribe
	Roland Kennerly, BTBC member, Blackfeet Tribe
	Tyson and Lona Running Wolf, Leaders, Pikuni Traditionalist Association
	John Murray, Blackfeet Tribal Historic Preservation Officer, Blackfeet Tribe
	Kendall Edmo, Deputy THPO for Conservation, Blackfeet Tribe
	Harry Barnes, former BTBC Chairman, Blackfeet tribal member

	Earl Old Person, Principal Chief of the Blackfeet Nation, former BTBC Chairman, Blackfeet tribal member
Contact information (Name, Email, Phone):	Timothy Davis, tdavis@blackfeetnation.com (406) 338-7521 ext. 2110 or ext. 2111
	Kendall Edmo, kedmo@blackfeetnation.com (406) 338-7521 ext. 2304
Describe the proposed meeting agenda in as much detail as possible, and the desired outcome of the Secretary's participation:	 Discussion regarding DOI/DOJ Appeal National Monument/ Permanent Protection for the Bader Two Medicine Area
Please supply any pertinent background information regarding the genesis of this meeting proposal:	On September 23 rd , 2018, Judge Richard Leon overturned the DOI's decision to cancel the remaining oil and gas leases in the Badger Two Medicine area in the Helena Lewis and Clark National Forest (see attached letter from the Blackfeet Tribal Business Council dated Oct. 3, 2018).
Does the matter related to the request involve a discrete and identifiable class of persons, such as a regulation or legislation that applies to a specific industry?	No
Does the matter related to the request involve specific parties, such as a particular litigation matter, a specific permit decision, or a contract?	Solenex LLC V Zinke, case #13-993 in Federal District Court in Washington, DC WA Moncrief Jr. V US Department of Interior, case #17-609 in Federal District Court in Washington, DC
Does the matter related to the request involve a regulation or legislation that applies to a specific industry?	No
Is the purpose of this meeting related to a pending or future grant request?	No
With which Bureau or Agency does your agenda most align? Please list all, if more than one.	Department of the Interior Department of Justice
If the Secretary is unable to meet, is a surrogate desired? If yes, who specifically	No



EXECUTIVE COMMITTEE Timothy Davis, Chairman Iliff "Scott" Kipp, Vice-Chairman Stacey Keller, Secretary Tinsuwella Bird Rattler, Treasurer

BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417 (406) 338-7521 FAX (406) 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

Timothy Davis
Rodney Gervais
Mark Pollock
Vera Weaselhead
Terry J. Tatsey
Stacey Keller
Carl D. Kipp
Iliff "Scott" Kipp, Sr.
Roland Kennerly, Jr.

October 3, 2018

Honorable Ryan Zinke US Secretary of the Interior 1849 C Street, NW Washington, DC 20240

Dear Secretary Zinke:

We are writing today to thank you for your longstanding friendship and partnership with the Blackfeet Nation, and to ensure that we continue to stand side by side, together into the future.

As you know, the Blackfeet Nation has long defended our sacred lands in the Badger-Two Medicine region. In fact, our Tribal Government resolutions declaring this region off-limits to industrialization date back to well before the first oil and gas leases were issued. And since those first resolutions, many other Tribes and First Nations have joined Blackfeet efforts to protect our ancestral homeland. These supporters include the entire Blackfoot Confederacy, all Tribal Nations throughout Montana, the 3-state members of the Rocky Mountain Tribal Leaders Council, and the National Congress of American Indians.

You also have proven yourself a committed and unfaltering champion, unshakable in your leadership on our behalf. Together, our strong partnership has demonstrated success for all our shared interests. In particular, your powerful legal defense of the lease cancelations and your recommendation that the Badger-Two Medicine be considered for permanent protections have helped set the stage for a new generation of pride and progress for the Blackfeet Nation.

Recently, U.S. District Court Judge Richard Leon overturned the cancelation of the last few leases in the Badger-Two Medicine, opening the door again to the threat of industrialization in our cultural homeland. In his ruling, Judge Leon indicated the leases should stand because the government had waited 35 years before taking action. We would remind him that the Blackfeet have waited those same 35 years for resolution. And we were stewards of this land for 35 centuries before that, and another 35 centuries before that, and yet another 35 centuries before that, even. Blackfeet sites in this region have been dated to more than 13,000 years ago, and our connection to the Badger-Two Medicine goes back to the beginnings of time.

Over the past 35 years, since the leases were illegally granted on our homeland, company after company has chosen to withdraw their claims because of the world-class ecological and cultural heritage in the Badger-Two Medicine. Many of our governmental and cultural leaders recently visited the Interior Secretary's office, when Devon Energy voluntarily relinquished its leases because, in the company's words, it was "the right thing to do."

We have offered these last two remaining companies tax credits, cash buybacks, federal lease credits, land leases elsewhere on the Blackfeet Reservation, and even pre-drilled wells in Blackfeet oil fields. We also offered to take this case out of District Court and into arbitration court, where additional financial compensation could be negotiated. Despite our efforts, however, these last two companies have refused to speak with us, let alone to negotiate a solution with us. Instead, they have persisted in legal challenges that name you as defendant. Our Blackfeet Nation is not party to these lawsuits, and so we are represented by you and your office. And for many years, you have acted bravely on our behalf in this matter, as we have no officials voice at the legal table.

Today, we are asking that you continue to work alongside us, to stand side by side with Blackfeet and Montanans and to appeal this latest court decision. It is by no means a final decision. Over the past 35 years, many land managers and judges have weighed in on the matter of these controversial leases. Some have ruled in our favor, and some have not, but through each of these chapters the Badger-Two Medicine has remained pristine.

We are at long last nearing the end of this battle, and it has never been more important that we and our friends stand together as one. A powerful appeal of this latest decision may well prove decisive, once and for all, and we ask that you proclaim your friendship to the Blackfeet Nation by taking this case to the appropriate appellate court as soon as possible.

We hope to meet with you soon, in person, to discuss our future partnership on this and other issues. You are, as always, invited and welcome here in Blackfeet Country, and we look forward to seeing you here. Also, we are always ready to visit you at your offices in Washington, D.C., at your earliest convenience, and look forward to scheduling a meeting as soon as is possible.

This has been a long story, indeed, but not nearly as long as the many millennia of Blackfeet relationship to the Badger-Two Medicine. You have joined us in the writing of this story's final chapters, and we thank you again for your continued friendship and partnership with the Blackfeet Nation. Our newly elected Blackfeet Tribal Business Council is fully committed to protecting our cultural heritage in the Badger-Two Medicine and elsewhere, and is grateful for partners such as you in this important work.

We look forward to speaking with you soon.

Sincerely,

Timothy Davis, Chairman

Blackfeet Tribal Business Council

Stacey A. Keller, Secretary

Blackfeet Tribal Business Council

Carl Klpp, Member)

Blackfeet Tribal Business Council

Mark Pollock, Member

Blackfeet Tribal Business Council

Roland Kennerly, Jr.

Blackfeet Tribal Business Council

Iliff "Scott" Kipp, Sr. Vice Chairman

Blackfeet Tribal Business Council

Vera Weaselhead, Member

Blackfeet Tribal Business Council

Rodney Gervais, Jr., Member

Blackfeet Tribal Business Council

Terry J. Tatsey, Member

Blackfeet Tribal Business Council

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-10-26T14:20:24-04:00

Importance: Normal

Subject: RE: [EXTERNAL] FCPC Meeting Request **Received:** 2018-10-26T14:20:35-04:00

Meeting Proposal Information Form - Associate Deputy Secretary.docx

Hi Cathy,

I am attaching the completed proposal form.

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

Brownstein Hyatt Farber Schreck: celebrating 50 years of leadership at the intersection of business, law and politics.

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Thursday, October 25, 2018 3:11 PM

To: Monahan, Aileen M.

Subject: Re: [EXTERNAL] FCPC Meeting Request

Hi Aileen,

All meeting request have to go through our Ethics Office for review. Please complete the attached meeting proposal as detailed as possible and return soonest.

Thank you! Cathy.

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Oct 25, 2018 at 2:24 PM Monahan, Aileen M. amonahan@bhfs.com> wrote: Hi Cathy,

On behalf of the Forest County Potawatomi Community, I would like to request a meeting with Associate Deputy Secretary Jim Cason for mid to late November. They would like to discuss their compact amendment.

Those who would attend the meeting include:

	Attorney General Jeff Crawford, FCPC
	Ryan Smith, Brownstein Hyatt Farber Schreck LLP
	Eric Dahlstrom, Rothstein Donatelli LLP
Th	ank you for your help with this request.
Bes	et,

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

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Meeting Proposal Information Form

*Please complete this form and send to <u>catherine gulac@ios.doi.gov</u> or fax to 202-208-1873. If you have any questions, please call Catherine at 202-208-1739 or 202-208-6291.

To ensure that the appropriate individual within the Department of the Interior is meeting with you on a given matter, we request that you answer the following questions before we will agree to schedule a meeting. Therefore, please provide your request in writing and answer the following questions either on this sheet or a separate one.

Describe the type of meeting you are proposing (information sharing; status update; decision making; problem solving; innovation; etc.):

Forest County Potawatomi Community (FCPC) will brief Mr. Cason on the status of the compact amendment negotiations with the State of Wisconsin and seek his guidance the same.

Describe the action(s) you are seeking by the Office of the Deputy Secretary:

FCPC will ultimately seek approval from the Department on the Wisconsin-FCPC compact amendment.

Requested meeting date(s):

FCPC is seeking time during the week of November 12th and November 16th.

Contact information (Name, Email, Phone):

Aileen Monahan, (202)383-4708, amonahan@bhfs.com

With which Bureau or Agency does your agenda most align? (Please list all, if more than one, and POCs.)

Bureau of Indian Affairs and Assistant Secretary for Indian Affairs

Please indicate whether the matter related to the request involves:

a)	Specific parties, such as a particular litigation matter, a specific permit decision, or a contract;		
	Yes, it involves a compact amendment between the State of Wisconsin and FCPC.		
□ b)	A discrete and identifiable class of persons, such as a regulation or legislation that applies to a specific industry; or		

a c) A broad and diverse range of persons, such as a resource management plan or broad

If you answered "a)" above:

legislation?

• Please identify the specific parties if possible:

State of Wisconsin FCPC

Please explain the time sensitivity of the request, if any, including what is driving the timing of the request, such as court-ordered or statutory deadline:

The request is to discuss the potential Wisconsin-Potawatomi Compact Amendment, which will likely come before the Department of the Interior prior to the end of 2018.

If the requested action involves the interpretation or application of a particular policy, regulation, or statute, please provide the underlying text along with any briefing material sufficiently in advance of any meeting so that it can be reviewed before the meeting.

The ultimate requested action to approve the Wisconsin-Potawatomi Compact Amendment will involve the interpretation, in part, of 25 USC § 2710(d)(8) and 25 CFR Part 293.

Expected meeting participants (name, title, and organization):

Jeff Crawford, Forest County Potawatomi Eric Dahlstrom, Rothstein Donatelli Ryan Smith, Brownstein, Hyatt Farber Schreck Ken Walsh, Martin Schreiber

If the Associate Deputy Secretary is unable to meet, is a surrogate desired? If yes, who specifically? Respectfully, no.

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-10-26T14:30:44-04:00

Importance: Normal

Subject: RE: [EXTERNAL] FCPC Meeting Request **Received:** 2018-10-26T14:30:56-04:00

Cathy, please hold on this request for the time being. I will contact you early next week.

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

Brownstein Hyatt Farber Schreck: celebrating 50 years of leadership at the intersection of business, law and politics.

From: Monahan, Aileen M.

Sent: Friday, October 26, 2018 2:20 PM

To: 'Gulac, Catherine'

Subject: RE: [EXTERNAL] FCPC Meeting Request

Hi Cathy,

I am attaching the completed proposal form.

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

Brownstein Hyatt Farber Schreck: celebrating 50 years of leadership at the intersection of business, law and politics.

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Thursday, October 25, 2018 3:11 PM

To: Monahan, Aileen M.

Subject: Re: [EXTERNAL] FCPC Meeting Request

Hi Aileen,

All meeting request have to go through our Ethics Office for review. Please complete the attached meeting proposal as detailed as possible and return soonest.

Thank you! Cathy.

Catherine Gulac

U.S. Department of the Interior Office of the Deputy Secretary 1849 C St, NW, MS 7328 Washington, D.C. 20240 202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax Catherine Gulac@ios.doi.gov

On Thu, Oct 25, 2018 at 2:24 PM Monahan, Aileen M. amonahan@bhfs.com> wrote: Hi Cathy,

On behalf of the Forest County Potawatomi Community, I would like to request a meeting with Associate Deputy Secretary Jim Cason for mid to late November. They would like to discuss their compact amendment.

Tho	se who would attend the meeting include:
	Attorney General Jeff Crawford, FCPC
	Ryan Smith, Brownstein Hyatt Farber Schreck LLP
	Eric Dahlstrom, Rothstein Donatelli LLP

Thank you for your help with this request.

Best,

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

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prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.

To: amonahan@bhfs.com[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-10-26T14:21:56-04:00

Importance: Normal

Subject: Out of Office - October 26, 2018 RE: [EXTERNAL] FCPC Meeting Request

Received: 2018-10-26T14:21:56-04:00

Hello,

I will be out of the office October 26. Gareth Rees can assist you during my absence. You may reach him at 202-208-6291 or by email at gareth_rees@ios.doi.gov. Otherwise, I will respond to your email upon my return to the office. on October 29. Thank you. Cathy

--

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

To: Monahan, Aileen M.[amonahan@bhfs.com] From: Gulac, Catherine Sent: 2018-10-25T15:11:29-04:00 Importance: Normal Subject: Re: [EXTERNAL] FCPC Meeting Request Received: 2018-10-25T15:12:11-04:00 Meeting Proposal Information Form - Associate Deputy Secretary.docx
Hi Aileen, All meeting request have to go through our Ethics Office for review. Please complete the attached meeting proposal as detailed as possible and return soonest. Thank you! Cathy.
Catherine Gulac U.S. Department of the Interior Office of the Deputy Secretary 1849 C St, NW, MS 7328 Washington, D.C. 20240 202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax Catherine Gulac@ios.doi.gov
On Thu, Oct 25, 2018 at 2:24 PM Monahan, Aileen M. amonahan@bhfs.com > wrote:
Hi Cathy,
On behalf of the Forest County Potawatomi Community, I would like to request a meeting with Associate Deputy Secretary Jim Cason for mid to late November. They would like to discuss their compact amendment.
Those who would attend the meeting include:
☐ Attorney General Jeff Crawford, FCPC
☐ Ryan Smith, Brownstein Hyatt Farber Schreck LLP
☐ Eric Dahlstrom, Rothstein Donatelli LLP
Thank you for your help with this request.
Best,

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

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U.S. Department of the Interior - Associate Deputy Secretary James Cason

Meeting Proposal Information Form

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a separate one.	
	pe of meeting you are proposing (information sharing; status update; decision making; g; innovation; etc.):
Describe the ac	ction(s) you are seeking by the Office of the Deputy Secretary:
Requested mee	ting date(s):
Contact inform	nation (Name, Email, Phone):
With which Bu	reau or Agency does your agenda most align? (Please list all, if more than one, and POCs.)
Please indicate	whether the matter related to the request involves:
a)	Specific parties, such as a particular litigation matter, a specific permit decision, or a contract;
□ b)	A discrete and identifiable class of persons, such as a regulation or legislation that applies to a specific industry; or
c)	A broad and diverse range of persons, such as a resource management plan or broad legislation?

If you answered "a)" above:
 Please identify the specific parties if possible:
Please explain the time sensitivity of the request, if any, including what is driving the timing of the request, such as court-ordered or statutory deadline:
If the requested action involves the interpretation or application of a particular policy, regulation, or statute, please provide the underlying text along with any briefing material sufficiently in advance of any meeting so that it can be reviewed before the meeting.
Expected meeting participants (name, title, and organization):
If the Associate Deputy Secretary is unable to meet, is a surrogate desired? If yes, who specifically?

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-10-25T15:12:21-04:00

Importance: Normal

Subject: Read: Re: [EXTERNAL] FCPC Meeting Request

Received: 2018-10-25T15:12:31-04:00 Read: Re: [EXTERNAL] FCPC Meeting Request

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-10-25T15:12:21-04:00

Importance: Normal

Subject: Read: Re: [EXTERNAL] FCPC Meeting Request

Received: 2018-10-25T15:12:21-04:00

Your message

To: Monahan, Aileen M.

Subject: Re: [EXTERNAL] FCPC Meeting Request

Sent: Thursday, October 25, 2018 3:11:29 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, October 25, 2018 3:12:21 PM (UTC-05:00) Eastern Time (US & Canada).

To: nicholas_davis@ios.doi.gov[nicholas_davis@ios.doi.gov]; samantha_hebert@ios.doi.gov[samantha_hebert@ios.doi.gov];

leila_getto@ios.doi.gov[leila_getto@ios.doi.gov]

Cc: Tim Davis[tdavis@blackfeetnation.com]

From: Kendall Edmo

Sent: 2018-10-17T12:32:23-04:00

Importance: Normal

Subject: [EXTERNAL] Blackfeet Tribal Business Council's Request to Meet w/ Secretary Zinke

Received: 2018-10-17T12:34:34-04:00

Meeting Proposal Information Form.pdf Letter to DOI Sec Zinke Oct 2018[684652].pdf

Good afternoon Nick,

Attached is the Meeting Proposal Information Form and another attachment from the Blackfeet Tribal Business Council. Please contact me if you have any questions as there is a deadline fast approaching. I will follow up with you later today or tomorrow.

Thank you for your help!

Warm Regards,

--

Kendall Edmo
Deputy THPO for Conservation
Blackfeet Nation
Browning, MT
(406) 338-7521 ext. 2304



EXECUTIVE COMMITTEE Timothy Davis, Chairman Iliff "Scott" Kipp, Vice-Chairman Stacey Keller, Secretary Tinsuwella Bird Rattler, Treasurer

BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417 (406) 338-7521 FAX (406) 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

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Stacey Keller
Carl D. Kipp
Iliff "Scott" Kipp, Sr.
Roland Kennerly, Jr.

October 3, 2018

Honorable Ryan Zinke US Secretary of the Interior 1849 C Street, NW Washington, DC 20240

Dear Secretary Zinke:

We are writing today to thank you for your longstanding friendship and partnership with the Blackfeet Nation, and to ensure that we continue to stand side by side, together into the future.

As you know, the Blackfeet Nation has long defended our sacred lands in the Badger-Two Medicine region. In fact, our Tribal Government resolutions declaring this region off-limits to industrialization date back to well before the first oil and gas leases were issued. And since those first resolutions, many other Tribes and First Nations have joined Blackfeet efforts to protect our ancestral homeland. These supporters include the entire Blackfoot Confederacy, all Tribal Nations throughout Montana, the 3-state members of the Rocky Mountain Tribal Leaders Council, and the National Congress of American Indians.

You also have proven yourself a committed and unfaltering champion, unshakable in your leadership on our behalf. Together, our strong partnership has demonstrated success for all our shared interests. In particular, your powerful legal defense of the lease cancelations and your recommendation that the Badger-Two Medicine be considered for permanent protections have helped set the stage for a new generation of pride and progress for the Blackfeet Nation.

Recently, U.S. District Court Judge Richard Leon overturned the cancelation of the last few leases in the Badger-Two Medicine, opening the door again to the threat of industrialization in our cultural homeland. In his ruling, Judge Leon indicated the leases should stand because the government had waited 35 years before taking action. We would remind him that the Blackfeet have waited those same 35 years for resolution. And we were stewards of this land for 35 centuries before that, and another 35 centuries before that, and yet another 35 centuries before that, even. Blackfeet sites in this region have been dated to more than 13,000 years ago, and our connection to the Badger-Two Medicine goes back to the beginnings of time.

Over the past 35 years, since the leases were illegally granted on our homeland, company after company has chosen to withdraw their claims because of the world-class ecological and cultural heritage in the Badger-Two Medicine. Many of our governmental and cultural leaders recently visited the Interior Secretary's office, when Devon Energy voluntarily relinquished its leases because, in the company's words, it was "the right thing to do."

We have offered these last two remaining companies tax credits, cash buybacks, federal lease credits, land leases elsewhere on the Blackfeet Reservation, and even pre-drilled wells in Blackfeet oil fields. We also offered to take this case out of District Court and into arbitration court, where additional financial compensation could be negotiated. Despite our efforts, however, these last two companies have refused to speak with us, let alone to negotiate a solution with us. Instead, they have persisted in legal challenges that name you as defendant. Our Blackfeet Nation is not party to these lawsuits, and so we are represented by you and your office. And for many years, you have acted bravely on our behalf in this matter, as we have no officials voice at the legal table.

Today, we are asking that you continue to work alongside us, to stand side by side with Blackfeet and Montanans and to appeal this latest court decision. It is by no means a final decision. Over the past 35 years, many land managers and judges have weighed in on the matter of these controversial leases. Some have ruled in our favor, and some have not, but through each of these chapters the Badger-Two Medicine has remained pristine.

We are at long last nearing the end of this battle, and it has never been more important that we and our friends stand together as one. A powerful appeal of this latest decision may well prove decisive, once and for all, and we ask that you proclaim your friendship to the Blackfeet Nation by taking this case to the appropriate appellate court as soon as possible.

We hope to meet with you soon, in person, to discuss our future partnership on this and other issues. You are, as always, invited and welcome here in Blackfeet Country, and we look forward to seeing you here. Also, we are always ready to visit you at your offices in Washington, D.C., at your earliest convenience, and look forward to scheduling a meeting as soon as is possible.

This has been a long story, indeed, but not nearly as long as the many millennia of Blackfeet relationship to the Badger-Two Medicine. You have joined us in the writing of this story's final chapters, and we thank you again for your continued friendship and partnership with the Blackfeet Nation. Our newly elected Blackfeet Tribal Business Council is fully committed to protecting our cultural heritage in the Badger-Two Medicine and elsewhere, and is grateful for partners such as you in this important work.

We look forward to speaking with you soon.

Sincerely,

Timothy Davis, Chairman

Blackfeet Tribal Business Council

Stacey A. Keller, Secretary

Blackfeet Tribal Business Council

Carl Klpp, Member)

Blackfeet Tribal Business Council

Mark Pollock, Member

Blackfeet Tribal Business Council

Roland Kennerly, Jr.

Blackfeet Tribal Business Council

Iliff "Scott" Kipp, Sr. Vice Chairman

Blackfeet Tribal Business Council

Vera Weaselhead, Member

Blackfeet Tribal Business Council

Rodney Gervais, Jr., Member

Blackfeet Tribal Business Council

Terry J. Tatsey, Member

Blackfeet Tribal Business Council

U.S. Department of the Interior – Office of the Secretary

Meeting Information Request Form

*Please complete this form and send to scheduling@ios.doi.gov

To ensure that the appropriate individual within the Department of the Interior is meeting with you on a given matter and because the Office of the Secretary is committed to maintaining the highest ethical standards, we request that you answer the following questions before we can agree to schedule a meeting.

Requesting individual/organization (Please describe the person (name and affiliation) requesting the meeting including any background information on the organization.	Chairman Timothy Davis Blackfeet Tribal Business Council (BTBC) Blackfeet Tribe
Describe the action you are seeking by the Secretary:	 Appeal Judge Richard Leon's decision overturning lease cancelation in the Badger Two Medicine National Monument/Permanent Protection for the Badger Two Medicine Area
Meeting date (if date is flexible please indicate the range):	As soon as possible or the week of November 12, 2018.
Please explain the time sensitivity of the request, <u>if any</u> , including what is driving the timing of the request, such as court-ordered or statutory deadline:	DOI and DOJ have until November 23 rd to appeal Judge Leon's ruling.
Meeting location (City, State):	Washington, DC
Expected meeting participants (name, title, and organization):	Timothy Davis, BTBC Chairman, Blackfeet Tribe Terry Tatsey, BTBC member, Blackfeet Tribe
	Roland Kennerly, BTBC member, Blackfeet Tribe
	Tyson and Lona Running Wolf, Leaders, Pikuni Traditionalist Association
	John Murray, Blackfeet Tribal Historic Preservation Officer, Blackfeet Tribe
	Kendall Edmo, Deputy THPO for Conservation, Blackfeet Tribe
	Harry Barnes, former BTBC Chairman, Blackfeet tribal member

	Earl Old Person, Principal Chief of the Blackfeet Nation, former BTBC Chairman, Blackfeet tribal member
Contact information (Name, Email, Phone):	Timothy Davis, tdavis@blackfeetnation.com (406) 338-7521 ext. 2110 or ext. 2111
	Kendall Edmo, kedmo@blackfeetnation.com (406) 338-7521 ext. 2304
Describe the proposed meeting agenda in as much detail as possible, and the desired outcome of the Secretary's participation:	 Discussion regarding DOI/DOJ Appeal National Monument/ Permanent Protection for the Bader Two Medicine Area
Please supply any pertinent background information regarding the genesis of this meeting proposal:	On September 23 rd , 2018, Judge Richard Leon overturned the DOI's decision to cancel the remaining oil and gas leases in the Badger Two Medicine area in the Helena Lewis and Clark National Forest (see attached letter from the Blackfeet Tribal Business Council dated Oct. 3, 2018).
Does the matter related to the request involve a discrete and identifiable class of persons, such as a regulation or legislation that applies to a specific industry?	No
Does the matter related to the request involve specific parties, such as a particular litigation matter, a specific permit decision, or a contract?	Solenex LLC V Zinke, case #13-993 in Federal District Court in Washington, DC WA Moncrief Jr. V US Department of Interior, case #17-609 in Federal District Court in Washington, DC
Does the matter related to the request involve a regulation or legislation that applies to a specific industry?	No
Is the purpose of this meeting related to a pending or future grant request?	No
With which Bureau or Agency does your agenda most align? Please list all, if more than one.	Department of the Interior Department of Justice
If the Secretary is unable to meet, is a surrogate desired? If yes, who specifically	No

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-10-25T14:24:31-04:00

Importance: Normal

Subject: [EXTERNAL] FCPC Meeting Request **Received:** 2018-10-25T14:25:05-04:00

Hi Cathy,

On behalf of the Forest County Potawatomi Community, I would like to request a meeting with Associate Deputy Secretary Jim Cason for mid to late November. They would like to discuss their compact amendment.

Those who would attend the meeting include:

	Attorney	General	Jeff	Crawford,	FCP	C
--	----------	---------	------	-----------	-----	---

- ☐ Ryan Smith, Brownstein Hyatt Farber Schreck LLP
- Eric Dahlstrom, Rothstein Donatelli LLP

Thank you for your help with this request.

Best,

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

Brownstein Hyatt Farber Schreck: celebrating 50 years of leadership at the intersection of business, law and politics.

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-10-25T14:24:31-04:00

Importance: Normal Subject: FCPC Meeting Request

Received: 2018-10-25T14:24:43-04:00

Hi Cathy,

On behalf of the Forest County Potawatomi Community, I would like to request a meeting with Associate Deputy Secretary Jim Cason for mid to late November. They would like to discuss their compact amendment.

Those who would attend the meeting include:

	Attorney	/ General	Jeff	Crawford,	FCPC
--	----------	-----------	------	-----------	------

- Ryan Smith, Brownstein Hyatt Farber Schreck LLP
- Eric Dahlstrom, Rothstein Donatelli LLP

Thank you for your help with this request.

Best,

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

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To: james_cason@ios.doi.gov[james_cason@ios.doi.gov]

Cc: Jim Higgins[jhiggins@blackfeetnation.com]; Catherine_gulac@ios.doi.gov[Catherine_gulac@ios.doi.gov]

From: Kendall Edmo

Sent: 2018-10-15T13:11:13-04:00

Importance: Normal

Subject: [EXTERNAL] Meeting w/ Blackfeet Nation Tribal Chairman Timothy Davis

Received: 2018-10-15T13:11:55-04:00

Dear Mr. Cason

Blackfeet Nation Tribal Chairman Timothy Davis and his delegation would like to request a meeting with Secretary Zinke at his earliest convenience to discuss the Badger Two Medicine.

On September 24th, Judge Richard Leon overturned the cancelation of two oil and gas leases held in the Badger Two Medicine Area in the Helena - Lewis and Clark National Forest.

Tribal Chairman Davis and other Blackfeet Tribal Council members would like to meet with Secretary Zinke in Washington, DC to discuss the Badger Two Medicine lawsuit and Secretary Zinke's commitment for permanent protection for this sacred area.

Looking forward to hearing from you soon.

Sincerely,

--

Kendall Edmo
Deputy THPO for Conservation
Blackfeet Nation
Browning, MT
(406) 338-7521 ext. 2304

To: james_cason@ios.doi.gov[james_cason@ios.doi.gov]

Cc: Jim Higgins[jhiggins@blackfeetnation.com]; Catherine_gulac@ios.doi.gov[Catherine_gulac@ios.doi.gov]

From: Kendall Edmo

Sent: 2018-10-15T13:11:13-04:00

Importance: Normal

Subject: Meeting w/ Blackfeet Nation Tribal Chairman Timothy Davis

Received: 2018-10-15T13:11:32-04:00

Dear Mr. Cason

Blackfeet Nation Tribal Chairman Timothy Davis and his delegation would like to request a meeting with Secretary Zinke at his earliest convenience to discuss the Badger Two Medicine.

On September 24th, Judge Richard Leon overturned the cancelation of two oil and gas leases held in the Badger Two Medicine Area in the Helena - Lewis and Clark National Forest.

Tribal Chairman Davis and other Blackfeet Tribal Council members would like to meet with Secretary Zinke in Washington, DC to discuss the Badger Two Medicine lawsuit and Secretary Zinke's commitment for permanent protection for this sacred area.

Looking forward to hearing from you soon.

Sincerely,

--

Kendall Edmo
Deputy THPO for Conservation
Blackfeet Nation
Browning, MT
(406) 338-7521 ext. 2304

To: Elizabeth Appel[elizabeth.appel@bia.gov]; 'Hay, John'[john.hay@sol.doi.gov];

'steve_lowery@ios.doi.gov'[steve_lowery@ios.doi.gov];
'matthew.kelly@sol.doi.gov'[matthew.kelly@sol.doi.gov];
'anita.personius@bia.gov'[anita.personius@bia.gov];
'catherine gulac@ios.doi.gov'[catherine gulac@ios.doi.gov]

Cc: Smith, Ryan A.[RSmith@BHFS.com]

From: Walters, Sarah A.

Sent: 2018-06-29T14:43:46-04:00

Importance: Normal

Subject: [EXTERNAL] Notification regarding representation for lone Band fee to trust application

Received: 2018-06-29T14:44:06-04:00

Rubino Letter.pdf

Good Afternoon,

Please see the attached letter regarding future correspondence relating to the Ione Band of Miwok's "Plymouth Parcels" fee to trust application. Thanks very much and have a nice weekend and July Fourth holiday.

Sarah Walters

Sarah A. Walters

Brownstein Hyatt Farber Schreck, LLP 1155 F Street N.W., Suite 1200 Washington, DC 20004 202.383.4719 tel swalters@bhfs.com

Brownstein Hyatt Farber Schreck: celebrating 50 years of leadership at the intersection of business, law and politics.



June 29, 2018

Ryan A. Smith Attorney at Law 202.747.0507 tel 202.296.7009 fax rsmith@bhfs.com

Mr. John Tahsuda III Principal Deputy Assistant Secretary of Indian Affairs 1849 C. St. NW Washington DC 20240

Dear Mr. Tahsuda:

This firm represents Mr. Sal Rubino and IMG Plymouth Land Holdings in connection with the lone Band of Miwok Indians of California's fee to trust application for gaming in Amador County, California. Therefore, please direct all correspondence and communication regarding this matter to this firm.

Sincerely,

Ryan A. Smith

cc: Jim Cason, Associate Deputy Secretary, Department of the Interior

To: leila_getto@ios.doi.gov[leila_getto@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-07-02T15:32:47-04:00

Importance: Normal

Subject: Automatic reply: [EXTERNAL] WPX Meeting Request for Secretary Zinke

Received: 2018-07-02T15:32:57-04:00

I will be out of the office until Thursday, July 5th. If you need immediate assistance please contact Aileen Monahan at amonahan@bhfs.com, or our front desk at 202-296-7353. Thank you.

To: swalters@bhfs.com[swalters@bhfs.com]

From: Gulac, Catherine

Sent: 2018-06-29T14:45:45-04:00

Importance: Normal

Subject: Out of Office June 29 - July 2 Re: [EXTERNAL] Notification regarding representation for lone

Band fee to trust application

Received: 2018-06-29T14:45:51-04:00

Hello,

I will be out of the office June 29 - July 2. If you need immediate assistance, please call Gareth Rees at 202-208-6291; otherwise I will respond to your email upon my return to the office. Thank you. Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240

202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-29T10:47:12-05:00

Importance: Normal Subject: Call with Mr. Cason

Received: 2018-01-29T10:48:13-05:00

Good Morning Cathy-

I am following up on a phone call between Mr. Cason and Larry Jensen. We have a client call today at 2PM EST and wanted to see if the two of them could connect before then. If not, it would be great to get something on the books for this afternoon or tomorrow. As always, thank you for your help.

-Holly

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-29T10:50:43-05:00

Importance: Normal Subject: Re: Call with Mr. Cason

Received: 2018-01-29T10:51:45-05:00

Hi Holly,

I probably won't see Jim until lunch time, at which time I'll check if he has time for a call with Larry Jensen. He is holed up all this morning working on the budget.

Thanks. Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Mon, Jan 29, 2018 at 10:47 AM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote:

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I am following up on a phone call between Mr. Cason and Larry Jensen. We have a client call today at 2PM EST and wanted to see if the two of them could connect before then. If not, it would be great to get something on the books for this afternoon or tomorrow. As always, thank you for your help.

-Holly

Holly Noles

Executive Assistant **Brownstein Hyatt Farber Schreck, LLP**1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

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individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

To: Monahan, Aileen M.[amonahan@bhfs.com]

Cc: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-19T09:46:21-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-19T09:46:28-05:00

Great! We'll wait for your call at 5:00 today - 202-208-6291

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Fri, Jan 19, 2018 at 9:29 AM, Monahan, Aileen M. amonahan@bhfs.com> wrote:

Hi Cathy,

Yes that still works for Larry.

Sent from iPhone

On Jan 19, 2018, at 9:19 AM, Gulac, Catherine < catherine gulac@ios.doi.gov > wrote:

Hello Holly and Aileen,

I'm sorry, but Jim's calendar just got bumped again by the Deputy Secretary's calendar.

Please let me know if Mr. Jensen can do a 5:00pm call this afternoon with Mr. Cason.

Thanks!

Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St., NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Jan 18, 2018 at 11:35 AM, Gulac, Catherine <<u>catherine_gulac@ios.doi.gov</u>> wrote:

Thank you Holly and Aileen! We'll expect your call tomorrow at 4:15 - 202-208-6291. Cathy

Catherine Gulac
U.S. Department of the Interior

Office of the Deputy Secretary

1849 C St, NW, MS 7328

Washington, D.C. 20240

202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

On Thu, Jan 18, 2018 at 11:23 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Yes, we can make that work. Thank you!

On Jan 18, 2018, at 11:14 AM, Gulac, Catherine < catherine gulac@ios.doi.gov > wrote:

Hi Holly and Aileen, I'm sorry, but I have to move the call with Mr. Jensen and Mr. Cason that we had set up for this afternoon at 3:30.

Will Mr. Jensen be available for the call tomorrow, Friday, January 19, 4:15pm? We had agreed that your office will call our office - 202-208-6291 - to connect Mr. Jensen and Mr. Cason.

Please confirm that the new is doable.

Thanks! Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C. St., NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Jan 18, 2018 at 10:15 AM, Gulac, Catherine

<a href="mailto:catherine gulac@ios.doi.gov wrote:

Hi Holly and Aileen, Please call me - 202-208-1739 - and we can find a time for Larry Jensen and Jim Cason to connect. Thanks! Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
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Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Jan 18, 2018 at 9:31 AM, Noles, Holly A. <HNOLES@bhfs.com> wrote:

Good Morning Cathy- I'm going to have to leave early today for an appointment but I am copying my coworker Aileen on this email so she can assist while I'm out. Thank you for your help.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 17, 2018 4:58 PM

To: Noles, Holly A.

Subject: Re: Cason Phone Call

Hi Holly,

I'll contact you tomorrow.

Thanks.

Cathy

Catherine Gulac

U.S. Department of the Interior

Office of the Deputy Secretary

1849 C St, NW, MS 7328

Washington, D.C. 20240

202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

On Wed, Jan 17, 2018 at 4:23 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Hi Cathy- Larry needs to touch base with Jim Cason at some point tomorrow or Friday. Does he have an opening? Thank you for all of your help today.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-25T08:44:40-05:00

Importance: Normal

Subject: Phone Call

Received: 2018-01-25T08:45:04-05:00

Good Moring Cathy-

Is there a time today when Larry can speak to Jim? Thank you for your help.

-Holly

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

To: 'Rees, Gareth'[gareth_rees@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-22T10:20:01-05:00

Importance: Normal

Subject: Phone Call with Jim Cason

Received: 2018-01-22T10:26:25-05:00

Thanks for taking my call, Gareth. Larry Jensen needs to touch base with Mr. Cason today regarding Taylor if possible. We can be available at his convenience including after hours. Thank you so much for your help.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-19T09:19:17-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-19T09:19:24-05:00

Hello Holly and Aileen,

I'm sorry, but Jim's calendar just got bumped again by the Deputy Secretary's calendar. Please let me know if Mr. Jensen can do a 5:00pm call this afternoon with Mr. Cason. Thanks!

Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Jan 18, 2018 at 11:35 AM, Gulac, Catherine catherine gulac@ios.doi.gov> wrote:

Thank you Holly and Aileen! We'll expect your call tomorrow at 4:15 - 202-208-6291. Cathy

Catherine Gulac
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Will Mr. Jensen be available for the call tomorrow, Friday, January 19, 4:15pm? We had agreed that your office will call our office - 202-208-6291 - to connect Mr. Jensen and Mr. Cason.

Please confirm that the new is doable.

Thanks! Cathy

Catherine Gulac
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Catherine Gulac@ios.doi.gov

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Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 17, 2018 4:58 PM

To: Noles, Holly A.

Subject: Re: Cason Phone Call

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Catherine Gulac

U.S. Department of the Interior

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Catherine Gulac@ios.doi.gov

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Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: Gulac, Catherine[catherine_gulac@ios.doi.gov]

Cc: Noles, Holly A.[HNOLES@bhfs.com]

From: Monahan, Aileen M.

Sent: 2018-01-19T09:29:27-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-19T09:29:39-05:00

Hi Cathy,

Yes that still works for Larry.

Sent from iPhone

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Hello Holly and Aileen,

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Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004 202.652.2352 tel HNOLES@bhfs.com

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Sent: Wednesday, January 17, 2018 4:58 PM

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Holly Noles

Executive Assistant **Brownstein Hyatt Farber Schreck, LLP**1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-18T11:35:46-05:00

Importance: Normal Subject: Re: Cason Phone Call

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Catherine Gulac
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Thanks! Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St., NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Thu, Jan 18, 2018 at 10:15 AM, Gulac, Catherine < catherine gulac@ios.doi.gov > wrote:

Hi Holly and Aileen, Please call me - 202-208-1739 - and we can find a time for Larry Jensen and Jim Cason to connect. Thanks! Cathy

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On Thu, Jan 18, 2018 at 9:31 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Good Morning Cathy- I'm going to have to leave early today for an appointment but I am copying my coworker Aileen on this email so she can assist while I'm out. Thank you for your help.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 17, 2018 4:58 PM

To: Noles, Holly A.

Subject: Re: Cason Phone Call

Hi Holly,

I'll contact you tomorrow.

Thanks.

Cathy

Catherine Gulac

U.S. Department of the Interior

Office of the Deputy Secretary

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Holly Noles

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Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-18T11:23:23-05:00

Importance: Normal

Subject: Read: Re: Cason Phone Call

Received: 2018-01-18T11:24:16-05:00

Read Re Cason Phone Call

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-18T11:23:23-05:00

Importance: Normal

Subject: Read: Re: Cason Phone Call

Received: 2018-01-18T11:23:24-05:00

Your message

To: Noles, Holly A.

Subject: Re: Cason Phone Call

Sent: Thursday, January 18, 2018 11:14:36 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 18, 2018 11:23:23 AM (UTC-05:00) Eastern Time (US & Canada).

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]; Noles, Holly A.[HNOLES@bhfs.com]

From: Monahan, Aileen M.

Sent: 2018-01-18T11:18:45-05:00

Importance: Normal Subject: RE: Cason Phone Call

Received: 2018-01-18T11:18:58-05:00

Hi Cathy,

No problem, tomorrow at 4:15 pm will work for Larry.

Thanks,

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Thursday, January 18, 2018 11:15 AM

To: Noles, Holly A. **Cc:** Monahan, Aileen M.

Subject: Re: Cason Phone Call

Hi Holly and Aileen,

I'm sorry, but I have to move the call with Mr. Jensen and Mr. Cason that we had set up for this afternoon at 3:30.

Will Mr. Jensen be available for the call tomorrow, Friday, January 19, 4:15pm? We had agreed that your office will call our office - 202-208-6291 - to connect Mr. Jensen and Mr. Cason.

Please confirm that the new is doable.

Thanks! Cathy

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Sent: Wednesday, January 17, 2018 4:58 PM

To: Noles, Holly A.

Subject: Re: Cason Phone Call

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Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-18T10:30:12-05:00

Importance: Normal

Subject: Read: Re: Cason Phone Call

Received: 2018-01-18T10:30:24-05:00

Read: Re: Cason Phone Call

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-18T10:30:12-05:00

Importance: Normal

Subject: Read: Re: Cason Phone Call

Received: 2018-01-18T10:30:13-05:00

Your message

To: Noles, Holly A.

Subject: Re: Cason Phone Call

Sent: Thursday, January 18, 2018 10:15:57 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 18, 2018 10:30:12 AM (UTC-05:00) Eastern Time (US & Canada).

To: Gulac, Catherine[catherine_gulac@ios.doi.gov]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Noles, Holly A.

Sent: 2018-01-18T11:23:46-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-18T11:24:25-05:00

Yes, we can make that work. Thank you!

On Jan 18, 2018, at 11:14 AM, Gulac, Catherine <catherine gulac@ios.doi.gov> wrote:

Hi Holly and Aileen,

I'm sorry, but I have to move the call with Mr. Jensen and Mr. Cason that we had set up for this afternoon at 3:30.

Will Mr. Jensen be available for the call tomorrow, Friday, January 19, 4:15pm? We had agreed that your office will call our office - 202-208-6291 - to connect Mr. Jensen and Mr. Cason.

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To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-18T11:14:36-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-18T11:14:43-05:00

Hi Holly and Aileen,

I'm sorry, but I have to move the call with Mr. Jensen and Mr. Cason that we had set up for this afternoon at 3:30.

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Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-18T10:15:57-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-18T10:16:04-05:00

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Cc: Monahan, Aileen M.[amonahan@bhfs.com]

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Sent: 2018-01-18T09:31:25-05:00

Importance: Normal Subject: RE: Cason Phone Call

Received: 2018-01-18T09:31:32-05:00

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To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-17T16:58:12-05:00

Importance: Normal Subject: Re: Cason Phone Call

Received: 2018-01-17T16:58:19-05:00

Hi Holly, I'll contact you tomorrow. Thanks. Cathy

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To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-17T17:00:31-05:00

Importance: Normal Subject: RE: Cason Phone Call

Received: 2018-01-17T17:00:43-05:00

Great. Thank you, Cathy.

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Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Noles, Holly A.

Sent: 2018-01-17T16:23:28-05:00

Importance: Normal Subject: Cason Phone Call

Received: 2018-01-17T16:23:35-05:00

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To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-17T13:46:54-05:00

Importance: Normal

Subject: Re: Letter

Received: 2018-01-17T13:47:01-05:00

Hi Holly,

Todd received the letter. Thank you.

Cathy

Catherine Gulac
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Office of the Deputy Secretary
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On Wed, Jan 17, 2018 at 11:27 AM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Thank you! I have a letter for Jason and Todd on their way over. They estimated and hour to two hours.

Holly Noles

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202.652.2352 tel

HNOLES@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 17, 2018 10:50 AM

To: Noles, Holly A. **Subject:** Re: Letter

Hi Holly,

Please have the courier ask the security (in the lobby) to call our office at 208-6291 and I will come down to the lobby and pick up the letter.

Thanks!

Cathy

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To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-17T11:27:11-05:00

Importance: Normal

Subject: RE: Letter

Received: 2018-01-17T11:28:28-05:00

Thank you! I have a letter for Jason and Todd on their way over. They estimated and hour to two hours.

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To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-17T10:24:02-05:00

Importance: Normal

Subject: Letter

Received: 2018-01-17T10:24:39-05:00

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From: Gulac, Catherine

Sent: 2018-01-17T10:50:13-05:00

Importance: Normal

Subject: Re: Letter

Received: 2018-01-17T10:50:21-05:00

Hi Holly,

Please have the courier ask the security (in the lobby) to call our office at 208-6291 and I will come down to the lobby and pick up the letter.

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202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Wed, Jan 17, 2018 at 10:24 AM, Noles, Holly A. <HNOLES@bhfs.com> wrote:

Good Morning Cathy- We need to send a courier over to hand deliver a letter for Todd Willens. Is there anything specific I need to tell them to make sure he gets it (room number, phone number, etc.)? Thank you for your help.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

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catherine gulac@ios.doi.gov From:

Location: Larry will call Jim at 202-513-0561

Importance: Normal

Subject: Invitation: Phone Call - Follow-up - Larry Jensen @ Mon Jan 8, 2018 4:15pm - 4:45pm

(james_cason@ios.doi.gov)

Start Date/Time: 2018-01-08T16:15:00-05:00 End Date/Time: 2018-01-08T16:45:00-05:00

invite.ics

more details »

Phone Call - Follow-up - Larry Jensen

Larry's number (b) (6)

Holly Noles (b) (6)

Mon Jan 8, 2018 4:15pm 4:45pm Eastern Time When

Where

Larry will call Jim at 202 513 0561 (map) Video call

Calendar james cason@ios.doi.gov

Who

Going? Yes Maybe No more options »

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Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.

catherine gulac@ios. james cason@ios.do hnoles@bhfs.com - op

Phone Call - Follow-up - Larry Jensen Larry will call Jim at 202-513-0561 20180108T211500Z CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20180108T211500Z

End Date/Time

20180108T214500Z

DTSTAMP

20180108T183532Z

<u>ORGANIZER</u> (CN=catherine_gulac@ios.doi.gov) mailto:catherine_gulac@ios.doi.gov

UID

3lf0g9oiab052dvhrbfacrvhis@google.com

Attendee mailto:james cason@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

Attendee mailto:hnoles@bhfs.com

Role OPT-PARTICIPANT

RSVP TRUE

Attendee mailto:catherine gulac@ios.doi.gov

Role OPT-PARTICIPANT

RSVP TRUE

CREATED

20180108T183531Z

Description

Larry's number (b) (6)

Holly Noles - (b) (6)

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Join: <mark>(b) (5), (b) (6</mark>)

(b) (6), (b) (5)

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Last Modified

20180108T183531Z

Location

Larry will call Jim at 202-513-0561

Sequence Number

0

Status

CONFIRMED

Summary

Phone Call - Follow-up - Larry Jensen

Time Transparency

OPAQUE

From: Noles, Holly A.

Location: Larry will call Jim at 202-513-0561

Importance: Normal

Subject: Accepted: Invitation: Phone Call - Follow-up - Larry Jensen @ Mon Jan 8, 2018 4:15pm -

4:45pm (EST) (hnoles@bhfs.com)

Start Date/Time: 2018-01-08T16:15:00-05:00 **End Date/Time:** 2018-01-08T16:45:00-05:00

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more details »

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When Mon Jan 8, 2018 4:15pm 4:45pm Eastern Time

Where Larry will call Jim at 202 513 0561 (map)

Video call

(b) (6), (b) (5)

Calendar

hnoles@bhfs.com

Who

- catherine gulac@ios.doi.gov organizer, optional
- james cason@ios.doi.gov
- hnoles@bhfs.com optional

Larry's number (b) (6)

Holly Noles (b) (6)

Your attendance is optional.

Going? Yes Maybe No more options »

Invitation from Google Calendar

You are receiving this courtesy email at the account hnoles@bhfs.com because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.

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RSVP TRUE

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Holly Noles - (b) (6)

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Last Modified

20180108T183531Z

Location

Larry will call Jim at 202-513-0561

Sequence Number

(

Status

CONFIRMED

Summary

Phone Call - Follow-up - Larry Jensen

Time Transparency

OPAQUE

'Gulac, Catherine'[catherine_gulac@ios.doi.gov] To:

From:

Noles, Holly A. 2017-12-12T15:53:11-05:00 Sent:

Importance: High

Subject: Well Risk Analysis at the MC-20 Site on Behalf of Larry Jensen **Received:** 2017-12-12T15:53:45-05:00

As a result of discussions held at the Unified Command meeting of March 9, 2012, TEC withdrew its pending Departure Request of March 24, 2010 so that additional review and analysis could be conducted by TEC, BSEE, USCG, and NOAA. At the March 9, 2012 meeting, the UC stated its intent to establish two Workgroups; a Sheen Source Workgroup that would identify the source of the ongoing sheen at MC20, and a Well Risk Workgroup that would reanalyze all twenty-five (25) wells to ensure that they were ranked appropriately for flow risks based on existing scientific and engineering knowledge.

 $\label{link to TEC's withdrawal of Departure Request 3/28/2012 - \underline{Post\ Intervention\ 2012.03.28\ TEC\ Departure\ Request\ Withdrawal.pdf }$

WELL RISK WORKGROUP AND METHODOLOGY APPLIED

The purpose of the Well Risk Workgroup was to review the technical challenges and environmental risk potential if further intervention were to occur on the 16 remaining MC20 wells. The workgroup thoroughly analyzed the environmental risk of leaving the remaining wells in their current status. The workgroup also performed an identical analysis on the nine wells where intervention was completed using the same criteria.

The workgroup met twice a month from April 2012 to October 2012.

BSEE members participating in Well Review Workgroup sessions included: Paul Barbre, Mike Prendergast, Steve Walsh, Chuck Holman and Lynne Richter.

Taylor members participating in Well Review Workgroup sessions included: William Pecue II, Norman <u>Duplantis</u>, Jerry Alexander, Brian Windham representing Platt Sparks and Don Shackelford representing Boots and Coots.

REVIEW OF RESERVOIR PARAMETERS

The Well Review Workgroup analyzed the following information:

- Reservoir pressures at the time of Hurricane Ivan were reviewed as well as the stabilized final reservoir pressures on all completions.
- Multiple well completions in the same reservoir were identified. Hydrocarbon depleted reservoirs (now 100% saltwater) were documented.
- The worst case discharge (oil, water, & gas) for all wells capable of flow at the final reservoir pressure was reviewed.
- The influence of seawater into the wellbore and at the perforations was determined.
- All wells with reduced BHP's that would allow seawater to flow into the reservoir were identified, as these wells would become plugged with sediment over time.

Further, all well test including the final well test by zone, cumulative production by zone and all shut-in BHP's by reservoir were reviewed and when necessary, used to justify reservoir performance and stabilized pressures.

Both TEC and BSEE records were reviewed and any differences resolved. Any differences between the Wiggins, Kelkar, Platt Sparks and Colin Stuart reports were also resolved.

Chuck Holman with BSEE reviewed the available seismic data in order to explain or better justify some of the reservoir interpretations. Three presentations were made. The first was on the KRA and LRG reservoirs. The workgroup questioned whether A-25 and A-26 were in the same reservoirs and if the water production in A-25 was extraneous. It was concluded that they were in the same reservoir and that the water production in A-25 appeared to be extraneous of the LRG reservoir.

The second seismic review was of wells A-2, A-10 and A-18 in the L3-RA reservoir.

Once production was initiated in these three wells in the L3-RA reservoir, the reservoir pressures in A-10 and A-18 were consistently higher than in A-2. The seismic review indicated that while the completed intervals in the three wells were all in the same depositional plane; A-2 was in a separate channel from A-10 and A-18 and appeared to have less aquifer support than A-10 and A-18.

The third review was of the reservoirs that the nine plugged wells were completed in and the potential for behind pipe flow in the remaining hydrocarbon reservoirs in the wellbore. The evaluation further justified previous reservoir interpretations and evaluations.

Links to BSEE Reservoir Reviews from UC Well Review Team Mtg

Conducted during	BSEE's Reserve UC Well Review Workgroup	oir Review prepared and Presented by Chuck Holman,
	BSEE Geos	cientist
KRA and LRG Sands	A20, A25, A26	Well Risk 2012.09.05 BOEM Reservoir review MC20 A20-A26 KRA, LRG SND.pptm and
L3-RA Sands	A-2, A-10, A-18	Well Risk 2012.09.05 BOEM Reservoir review MC20 A2, A10, A18 L-3 RA.pptm
P&A'd Wells	A1, A4, A10, A11, A13, A16, A17, A19, A21	Well Risk 2012.10.17 BOEM Reservoir review MC20 1.4.10.11,13,16,17,19,21.pdf

WELL CONSTRUCTION

In addition to reviewing reservoir parameters, the Workgroup also looked at historical well construction documentation to determine the mechanical status of all wells prior to Hurricane Ivan. Cement operations for all casing strings were reviewed and verified, and the workgroup evaluated cement bonds using cement bond logs where available that were interpreted by an outside expert from Halliburton's cased-hole logging division.

The potential for hydrocarbon flow, primarily gas from shallow zones, was also considered and discussed. The workgroup reviewed potential hydrocarbon zones from the bottom of the surface casing to the current completion zone. The basis for this review was a study titled "Assessment of Potential Remaining Hydrocarbon Bearing Formations" prepared in January, 2012, by Brian Windham with PS&A. A review of the sustained casing pressure history on all annuli was conducted. Comparisons were made between both the BSEE and Taylor data sets.

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Link to TEC sustained casing pressures prior to MC20 platform failure-Well Risk 2004.08.31 Taylor Wellhead and Conditions rpt.pdf

During this review, specific reference was made to the existence of shallow gas zones encountered in early platform wells that were drilled by <u>Sohio</u> in the 1980's and in the original design and surface casing on Wells A-1, A-2 and A-3 that were set at approximately 4,000'. Drilling records reflect problems with shallow gas while drilling in the 3,500' – 4,000'intervals. In fact, on well A-3, drilling records reveal that gas was actually flowing while the drill crew was tripping pipe, which required activation of the diverter to handle the influx. Subsequently, surface casing on subsequent wells was set at 3,500' to avoid the shallow gas exposure.

Another area of discussion by the workgroup involved potential intervention at depths just below the surface casing shoe to address potential gas channeling observed from sustained casing pressure records. Intervention at shallow depths above 5,000° was thoroughly evaluated and determined to be impracticable and unsafe due to low fracture gradients and the high well density in a relatively small horizontal cross section area.

INTERVENTION RISK-DRILLING - PROBABILITY OF SUCCESS (POS)

The following parameters were reviewed in order for the Well Review workgroup to determine a probability of success that the intervention well could be effectively drilled to total depth:

- 1. Surface Restrictions/limited rig locations
- 2. Anti-collision issues with other wells
- 3. Shallowest ranging depth available
- Length of desired target
- Reliability of survey of target well
- 6. High angle concerns that could affect
 - a. Ranging
 - b. Hole stability
 - c. Hole cleaning
 - d. Open hole logging
 - e. High side orientation
- 7. Depleted sands that could initiate differential sticking or lost returns
- 8. Drilling below the completed interval in the target sand

Upon completion of the workgroup's well analysis, a vote was concluded on the percentage of "potential for successful intervention".

INTERVENTION RISKS-PLUGGING-PROBABILITY OF SUCCESS (POS)

The following are some of the parameters that were reviewed in order for the workgroup to agree on a plug placement procedure and a percent chance of success that an effective plug could be placed in the target well.

- Length of intercept interval available
- 2. Is target intercept interval in a shale section
- 3. Quality of cement bond

Page | 50

- 4. Packer/gravel pack configuration
- How will the ability to pump-in be limited by the fluid content of the tubing, sediment plugs, mechanical tubing plugs or degradation of perforating tunnels
- 6. Dual intercept requirements
- 7. Intercepts below the completed interval in the target well
- 8. Reliability of the surface seal
- 9. Lack of an internal pressure test

See the Risk of Intervention Matrix below for a complete listing of all the drilling and plugging parameters evaluated on each and every well.

RISK OF INTERVEN	ITION				
Taylor Energy Company LLC		RISK R	ANKING		
FC20 Well Number	на	MODERATE	LOW	NA	COMMENTS
OPERATIONAL	Ĺ				
Surface Location					
Collision with adjacent wells					
Mudslides					
Ship Collisions		_			
Mooring System Fallures	\vdash	_		_	
Debris Field	_	_		_	
Directional/Ranging Limitations Interference from Adjacent Wells	_	_		_	
Ellipse of Uncertainty	-	-			
Premature Intersection	-				
Length of Intersection Required					
Depleted Sands					
Orientation of IW to TW					
Perforating Gun Orientation					
Inadvertant Sidetrack	_	_			
Shale Section for Intercept	_				
Cement Bond	\vdash	_			
Sufficient length	-	_	_	_	
Stuck Pipe Across Intercept Interval	I				
above Target Sand Drill String	_	_		_	
Logging Tools	-			-	
7" Liner	\vdash				
Depleted Sands					
Length of Intercept					
Target Well Completion Status					
Cement Bond					
Packer Configuration					
Gravel Pack Configuration					
Integrity of Tubing and Packers		_			
Ability to Spot Required Plugs	\vdash	_		_	
Capacity for Dual Perforations Wellbore Plugged	-	_		_	
Below Target Sand Intercept	_				
Length of Intersection Regulred	-				
Depleted Sands	\vdash				
Hydraulic Communication with					
Target Reservoir (outside casing)					
Stuck Logging Tools, Drill String, Liner					
Thickness of Target Sand					
Premature Intersection	_				
Abrility to Pump-In Target Well	-	_			
Gas in Tubing	\vdash	_			
Reservoir Pressure	\vdash	_	_	_	
Potential of Near Surface Seal to Fall	\vdash	_		_	
Sediment Plugs Degradation of Perforation Tunnels	-	_		_	
Wellbore plugged	-				
Environmental Event					
Integrity of Tubing and Packers					
Potential of Near Surface Seal to Fall					
Premature Intersection					
Mooring System Fallures					
Communication with adjacent sands					
Below target sand intercept	_				
Consequences of Environmental Event					1
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RISK OF NON-INTERVENTION				
		RISK RA	ANKING	
	неен	MODERATE	LOW	NA
ENVIRONMENT	AL			
Environmental Event				
Consequences of Environmental Event				

Finally, the Well Review Workgroup reached a consensus position on the probability of occurrence and consequence of an environmental event for each well in its current state, versus the probability and consequence of an environmental event for each well, should intervention be attempted. The evaluation included both the 16 remaining wells and the nine wells that were previously plugged.

WELL RISK WORKGROUP CONCLUSIONS

The members of the Workgroup agreed on the following conclusions:

- Fourteen (14) of the remaining sixteen (16) wells do not have the ability to flow.
 The flow rate determination on the remaining two (2) wells was 0.6 barrels of oil per day (BOPD) on well A-8 and 3.8 BOPD as a Worst Case Discharge on well A-3.
- Twelve (12) of the remaining sixteen (16) wells have sediment plugs and columns
 of saltwater with pressures greater than the final reservoir pressure.
- Two (2) of the remaining sixteen (16) wells have deep mechanical plugs, with one
 of these being well A-8.
- Only three (3) of the remaining sixteen (16) wells have wellbores where the only seal that could prevent flow is the subsurface safety valve.
- Finally, of the remaining sixteen (16) wells, fourteen (14) have the potential for cross flow if an intervention is attempted.

In all of the sixteen (16) remaining wells, the workgroup concluded that additional well intervention would result in either a higher probability of an adverse environmental event or a worse consequential environmental event or both. The probability of success (PoS) for a successful intervention ranged from 6% to 42%.

All of the nine (9) wells that had the ability to flow were plugged as a result of well intervention operations. The maximum potential flow rates on these nine wells varied from thirteen (13) BOPD to five-hundred (500) BOPD with gas rates up to 19.5 MMCFD. In these wells, prior to intervention, the probability of an environmental event and/or the consequence of

Page | 53

non-intervention were greater than the environmental consequences of intervention. The <u>PoS</u> for a successful intervention on these wells were typically higher, than the remaining sixteen (16) wells although two of the wells with the lowest <u>PoS</u> resulted in less than three barrels of resin being injected in each of the wells. Some potential for cross flow post intervention exists in four of the nine plugged wells. See link below for a complete tabulation for the results.

Link to Risk of Intervention Matrix - Well Risk 2013.11 TEC UC Well Review Results Matrix.pdf

Documentation supporting the Well Review workgroups evaluation on MC20 wells is listed below:

Links to all Unified Command Well Review Material on all MC20 wells listed below.

MC20 Well	Well Review Workgroup Evaluation (link)
A-2	Well Risk A-2.pdf
A-3	Well Risk A-3.pdf
A-6	Well Risk A-6.pdf
A-7	Well Risk A-7.pdf
A-8	Well Risk A-8.pdf
A-9	Well Risk A-9.pdf
A-12	Well Risk A-12.pdf
A-14	Well Risk A-14.pdf
A-18	Well Risk A-18.pdf
A-20	Well Risk A-20.pdf
A-22	Well Risk A-22.pdf
A-23	Well Risk A-23.pdf
A-24	Well Risk A-24.pdf
A-25	Well Risk A-25.pdf
A-26	Well Risk A-26.pdf
y.	1C20Intervention Well
IW-1	Well Risk A-1.PDF
IW-4	Well Risk A-4.PDF
IW-10	Well Risk A-10.PDF
IW-11	Well Risk A-11.PDF
IW-13	Well Risk A-13.PDF
IW-16	Well Risk A-16.PDF
IW-17	Well Risk A-17.PDF
IW-19	Well Risk A-19.PDF
IW-21	Well Risk A-21.PDF

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RISK OF INTERVEN	TION				
aylor Energy Company LLC		RISK RA	WKING		
VC20 Well Number	HIGH	MODERATE	LOW	NA	COMMENTS
OPERATIONAL		- COLONIA	BANKS .	- 100	Comments
Surface Location	<u> </u>	10 7			
Collision with adjacent wells					10
Mudsides					<u> </u>
Ship Collisions	_				
Mooring System Failures	-	1			
Debris Field		-			
Directional/Ranging Limitations	_	1			
Interference from Adjacent Wells					
Ellipse of Uncertainty	_	-			
Premature Intersection		-		_	
Length of Intersection Required		-			
Depleted Sands	_	-			U
Orientation of IW to TW				1	
Perforating Gun Orientation	_	-			
Inadvertant Sidetrack					
Shale Section for Intercept					
Cement Bond				3	
Sufficient length		_			
Stuck Pipe Across Intercept Interval				7-	
above Target Sand				5	
Drill String		9 (
Logging Tools					
7 Liner		1		1/2	
Depleted Sands				18	
Length of Intercept					
Target Well Completion Status		5 8		8	
Cement Bond					
Packer Configuration				G.	
Gravei Pack Configuration					
Integrity of Tubing and Packers				7-	
Ability to Spot Required Plugs			8	8	Ë.
Capacity for Dual Perforations				1	
Welbore Plugged		3 1		e ^c	
Below Target Sand Intercept		- 7		9	
Length of Intersection Required				8	
Depleted Sands					
Hydraulic Communication with		2. 3		1/4	
Target Reservoir (outside casing)					
Stuck Logging Tools, Drill String, Liner					
Thickness of Target Sand					
Premature Intersection					
Ability to Pump-in Target Well				0	
Gas in Tubing					
Reservoir Pressure					
Potential of Near Surface Seal to Fall					
Sediment Plugs					
Degradation of Perforation Tunnels			1		
Welbore plugged					
Environmental Event					
Integrity of Tubing and Packers					
Potential of Near Surface Seal to Fall					
Premature Intersection					
Mooring System Failures					
Communication with adjacent sands					
Below target sand intercept					
Consequences of Environmental Event					
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- The worst case discharge (oil, water, & gas) for all wells capable of flow at the final reservoir pressure was reviewed.
- The influence of seawater into the wellbore and at the perforations was determined.
- All wells with reduced BHP's that would allow seawater to flow into the reservoir were identified, as these wells would become plugged with sediment over time.

INTERVENTION RISK-DRILLING - PROBABILITY OF SUCCESS (POS)

The following parameters were reviewed in order for the Well Review workgroup to determine a probability of success that the intervention well could be effectively drilled to total depth:

- Surface Restrictions/limited rig locations
- Anti-collision issues with other wells
- Shallowest ranging depth available
- 4. Length of desired target
- 5. Reliability of survey of target well
- 6. High angle concerns that could affect
 - a. Ranging
 - b. Hole stability
 - c. Hole cleaning
 - d. Open hole logging
 - e. High side orientation
- 7. Depleted sands that could initiate differential sticking or lost returns
- 8. Drilling below the completed interval in the target sand

Upon completion of the workgroup's well analysis, a vote was concluded on the percentage of "potential for successful intervention".

INTERVENTION RISKS-PLUGGING-PROBABILITY OF SUCCESS (POS)

The following are some of the parameters that were reviewed in order for the workgroup to agree on a plug placement procedure and a percent chance of success that an effective plug could be placed in the target well.

- 1. Length of intercept interval available
- 2. Is target intercept interval in a shale section
- Quality of cement bond

Finally, the Well Review Workgroup reached a consensus position on the probability of occurrence and consequence of an environmental event for each well in its current state, versus the probability and consequence of an environmental event for each well, should intervention be attempted. The evaluation included both the 16 remaining wells and the nine wells that were previously plugged.

WELL RISK WORKGROUP CONCLUSIONS

The members of the Workgroup agreed on the following conclusions:

- Fourteen (14) of the remaining sixteen (16) wells do not have the ability to flow.
 The flow rate determination on the remaining two (2) wells was 0.6 barrels of oil per day (BOPD) on well A-8 and 3.8 BOPD as a Worst Case Discharge on well A-3.
- Twelve (12) of the remaining sixteen (16) wells have sediment plugs and columns
 of saltwater with pressures greater than the final reservoir pressure.
- Two (2) of the remaining sixteen (16) wells have deep mechanical plugs, with one
 of these being well A-8.
- Only three (3) of the remaining sixteen (16) wells have wellbores where the only seal that could prevent flow is the subsurface safety valve.
- Finally, of the remaining sixteen (16) wells, fourteen (14) have the potential for cross flow if an intervention is attempted.

In all of the sixteen (16) remaining wells, the workgroup concluded that additional well intervention would result in either a higher probability of an adverse environmental event or a worse consequential environmental event or both. The probability of success (PoS) for a successful intervention ranged from 6% to 42%.

All of the nine (9) wells that had the ability to flow were plugged as a result of well intervention operations. The maximum potential flow rates on these nine wells varied from thirteen (13) BOPD to five-hundred (500) BOPD with gas rates up to 19.5 MMCFD. In these wells, prior to intervention, the probability of an environmental event and/or the consequence of

Further, all well test including the final well test by zone, cumulative production by zone and all shut-in BHP's by reservoir were reviewed and when necessary, used to justify reservoir performance and stabilized pressures.

Both TEC and BSEE records were reviewed and any differences resolved. Any differences between the Wiggins, Kelkar, Platt Sparks and Colin Stuart reports were also resolved.

Chuck Holman with BSEE reviewed the available seismic data in order to explain or better justify some of the reservoir interpretations. Three presentations were made. The first was on the KRA and LRG reservoirs. The workgroup questioned whether A-25 and A-26 were in the same reservoirs and if the water production in A-25 was extraneous. It was concluded that they were in the same reservoir and that the water production in A-25 appeared to be extraneous of the LRG reservoir.

The second seismic review was of wells A-2, A-10 and A-18 in the L3-RA reservoir.

Once production was initiated in these three wells in the L3-RA reservoir, the reservoir pressures in A-10 and A-18 were consistently higher than in A-2. The seismic review indicated that while the completed intervals in the three wells were all in the same depositional plane; A-2 was in a separate channel from A-10 and A-18 and appeared to have less aquifer support than A-10 and A-18.

The third review was of the reservoirs that the nine plugged wells were completed in and the potential for behind pipe flow in the remaining hydrocarbon reservoirs in the wellbore. The evaluation further justified previous reservoir interpretations and evaluations.

Links to BSEE Reservoir Reviews from UC Well Review Team Mtg.

Conducted during	BSEE's Reserve UC Well Review Workgroup BSEE Geose	prepared and Presented by Chuck Holman,
KRA and LRG Sands	A20, A25, A26	Well Risk 2012.09.05 BOEM Reservoir review MC20 A20-A26 KRA, LRG SND.pptm and
L3-RA Sands	A-2, A-10, A-18	Well Risk 2012.09.05 BOEM Reservoir review MC20 A2, A10, A18 L-3 RA.pptm
P&A'd Wells	A1, A4, A10, A11, A13, A16, A17, A19, A21	Well Risk 2012.10.17 BOEM Reservoir review MC20 1,4,10,11,13,16,17,19,21.pdf

As a result of discussions held at the Unified Command meeting of March 9, 2012, TEC withdrew its pending Departure Request of March 24, 2010 so that additional review and analysis could be conducted by TEC, BSEE, USCG, and NOAA. At the March 9, 2012 meeting, the UC stated its intent to establish two Workgroups; a Sheen Source Workgroup that would identify the source of the ongoing sheen at MC20, and a Well Risk Workgroup that would reanalyze all twenty-five (25) wells to ensure that they were ranked appropriately for flow risks based on existing scientific and engineering knowledge.

Link to TEC's withdrawal of Departure Request 3/28/2012 - Post Intervention 2012.03.28 TEC Departure Request Withdrawal.pdf

non-intervention were greater than the environmental consequences of intervention. The PoS for a successful intervention on these wells were typically higher, than the remaining sixteen (16) wells although two of the wells with the lowest PoS resulted in less than three barrels of resin being injected in each of the wells. Some potential for cross flow post intervention exists in four of the nine plugged wells. See link below for a complete tabulation for the results.

Link to Risk of Intervention Matrix - Well Risk 2013.11 TEC UC Well Review Results Matrix.pdf

Documentation supporting the Well Review workgroups evaluation on MC20 wells is listed below:

Links to all Unified Command Well Review Material on all MC20 wells listed below.

MC20 Well	Well Review Workgroup Evaluation (link)
A-2	Well Risk A-2.pdf
A-3	Well Risk A-3.pdf
A-6	Well Risk A-6.pdf
A-7	Well Risk A-7.pdf
A-8	Well Risk A-8.pdf
A-9	Well Risk A-9.pdf
A-12	Well Risk A-12.pdf
A-14	Well Risk A-14.pdf
A-18	Well Risk A-18.pdf
A-20	Well Risk A-20.pdf
A-22	Well Risk A-22.pdf
A-23	Well Risk A-23.pdf
A-24	Well Risk A-24.pdf
A-25	Well Risk A-25.pdf
A-26	Well Risk A-26.pdf
J.	IC20Intervention Well
IW-1	Well Risk A-1.PDF
IW-4	Well Risk A-4.PDF
IW-10	Well Risk A-10.PDF
IW-11	Well Risk A-11.PDF
IW-13	Well Risk A-13.PDF
IW-16	Well Risk A-16.PDF
IW-17	Well Risk A-17.PDF
IW-19	Well Risk A-19.PDF
IW-21	Well Risk A-21.PDF

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-08T11:10:47-05:00

Importance: Normal

Subject: Follow up with Mr. Cason

Received: 2018-01-08T11:11:17-05:00

Good Morning Cathy-

Mr. Cason asked that Larry follow up concerning their call last week. Would it be possible to connect them today after 3:30PM? Larry can be available after hours.

As always, thank you for your help.

-Holly

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200

Washington, DC 20004
202.652.2352 tel

HNOLES@bhfs.com

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Monahan, Aileen M.

Sent: 2018-01-03T17:15:35-05:00

Importance: Normal

Subject: RE: Call Request with Mr. Jim Cason **Received:** 2018-01-03T17:16:02-05:00

Thank you for your help with this!

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 03, 2018 4:07 PM

To: Monahan, Aileen M.

Subject: Re: Call Request with Mr. Jim Cason

Hi Aileen,

Mr. Jensen is scheduled to meet in person with Associate Deputy Jim Cason and Solicitor Dan Jorjani on Friday, January 5, 2018, 1:00 - 1:30pm at:

U.S. Department of the Interior 1849 C Street, NW Washington, D.C. 20240

Conference Room 6120

Mr. Jensen should tell the security that he has an appointment with the Office of the Deputy Secretary and ask they call 208-6291 to confirm; at which time we will ask for Mr. Jensen's unfettered access.

Thanks! Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Wed, Jan 3, 2018 at 2:55 PM, Monahan, Aileen M. amonahan@bhfs.com> wrote: Thanks Cathy!

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.383.4708 tel

amonahan@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 03, 2018 2:52 PM

To: Noles, Holly A. **Cc:** Monahan, Aileen M.

Subject: Re: Call Request with Mr. Jim Cason

HI Holly,

Mr. Jensen should call (b) (5) enter participant code (b) (5)

The call with Mr. Cason and Mr. Jorjani is scheduled for Friday, January 5, 2018, 1:00 - 1:30pm EST.

Thanks! Cathy

Catherine Gulac
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Office of the Deputy Secretary
1849 C St., NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Wed, Jan 3, 2018 at 2:36 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote: Yes he can. What number should I have him call?

Thank you.

On Jan 3, 2018, at 2:26 PM, Gulac, Catherine <catherine gulac@ios.doi.gov> wrote:

HI Holly,

Can Mr. Jensen do a call on Friday, January 5, at 1:00pm EST?

Thankel

Rest your vocal chords and get well soon.

Cathy

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Washington, D.C. 20240
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Catherine Gulac@ios.doi.gov

On Wed, Jan 3, 2018 at 2:12 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote: Hi Cathy,

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-Holly Noles

To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-03T14:26:28-05:00

Importance: Normal

Subject: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:26:35-05:00

HI Holly,

Can Mr. Jensen do a call on Friday, January 5, at 1:00pm EST?

Thanks!

Rest your vocal chords and get well soon.

Cathy

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-Holly Noles

To: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-03T16:06:30-05:00

Importance: Normal

Subject: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T16:06:37-05:00

Hi Aileen,

Mr. Jensen is scheduled to meet in person with Associate Deputy Jim Cason and Solicitor Dan Jorjani on Friday, January 5, 2018, 1:00 - 1:30pm

at:

U.S. Department of the Interior 1849 C Street, NW Washington, D.C. 20240

Conference Room 6120

Mr. Jensen should tell the security that he has an appointment with the Office of the Deputy Secretary and ask they call 208-6291 to confirm; at which time we will ask for Mr. Jensen's unfettered access.

Thanks! Cathy

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Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Wed, Jan 3, 2018 at 2:55 PM, Monahan, Aileen M. <amonahan@bhfs.com> wrote:

Thanks Cathy!

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

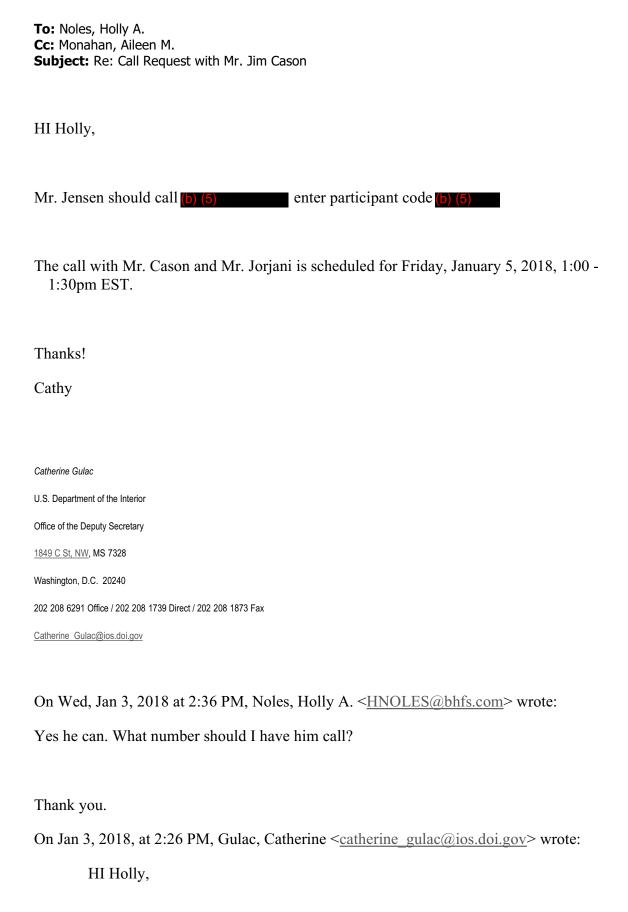
Washington, DC 20004

202.383.4708 tel

amonahan@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 03, 2018 2:52 PM



Can Mr. Jensen do a call on Friday, January 5, at 1:00pm EST?

Thanks!

Rest your vocal chords and get well soon.

Cathy

Catherine Gulac

U.S. Department of the Interior

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202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax

Catherine Gulac@ios.doi.gov

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-Holly Noles

From: Monahan, Aileen M.

Sent: 2018-01-03T14:53:37-05:00

Importance: Normal

Subject: Read: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:55:08-05:00

Read Re Call Request with Mr. Jim Cason

From: Monahan, Aileen M.

Sent: 2018-01-03T14:53:37-05:00

Importance: Normal

Subject: Read: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:53:37-05:00

Your message

To: Monahan, Aileen M.

Subject: Re: Call Request with Mr. Jim Cason

Sent: Wednesday, January 03, 2018 2:52:25 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, January 03, 2018 2:53:37 PM (UTC-05:00) Eastern Time (US & Canada).

To: Gulac, Catherine[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2018-01-03T15:10:28-05:00

Importance: Normal

Subject: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T15:10:54-05:00

You are wonderful. Thank you!

On Jan 3, 2018, at 2:52 PM, Gulac, Catherine <catherine gulac@ios.doi.gov> wrote:

HI Holly,

Mr. Jensen should call (b) (5) enter participant code (b) (5)

The call with Mr. Cason and Mr. Jorjani is scheduled for Friday, January 5, 2018, 1:00 - 1:30pm EST.

Thanks!

Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Wed, Jan 3, 2018 at 2:36 PM, Noles, Holly A. < HNOLES@bhfs.com > wrote:

Yes he can. What number should I have him call?

Thank you.

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HI Holly,

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Thanks!

Rest your vocal chords and get well soon.

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-Holly Noles

From: Noles, Holly A.

Sent: 2018-01-03T15:09:57-05:00

Importance: Normal

Subject: Read: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T15:10:10-05:00

Read: Re: Call Request with Mr. Jim Cason

From: Noles, Holly A.

Sent: 2018-01-03T15:09:57-05:00

Importance: Normal

Subject: Read: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T15:09:58-05:00

Your message

To: Noles, Holly A.

Subject: Re: Call Request with Mr. Jim Cason

Sent: Wednesday, January 03, 2018 2:52:25 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, January 03, 2018 3:09:57 PM (UTC-05:00) Eastern Time (US & Canada).

To: Noles, Holly A.[HNOLES@bhfs.com]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Gulac, Catherine

Sent: 2018-01-03T14:52:25-05:00

Importance: Normal

Subject: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:52:32-05:00

HI Holly,

Mr. Jensen should call (b) (5) enter participant code (b) (5)

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Thanks! Cathy

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-Holly Noles

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]; Noles, Holly A.[HNOLES@bhfs.com]

From: Monahan, Aileen M.

Sent: 2018-01-03T14:55:37-05:00

Importance: Normal

Subject: RE: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:55:50-05:00

Thanks Cathy!

Aileen M. Monahan

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.383.4708 tel
amonahan@bhfs.com

From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Wednesday, January 03, 2018 2:52 PM

To: Noles, Holly A. **Cc:** Monahan, Aileen M.

Subject: Re: Call Request with Mr. Jim Cason

HI Holly,

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-Holly Noles

From: Noles, Holly A.

Sent: 2018-01-03T14:34:24-05:00

Importance: Normal

Subject: Read: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:34:56-05:00

Read Re Call Request with Mr. Jim Cason

From: Noles, Holly A.

Sent: 2018-01-03T14:34:24-05:00

Importance: Normal

Subject: Read: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:34:25-05:00

Your message

To: Noles, Holly A.

Subject: Re: Call Request with Mr. Jim Cason

Sent: Wednesday, January 03, 2018 2:26:28 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, January 03, 2018 2:34:24 PM (UTC-05:00) Eastern Time (US & Canada).

To: Gulac, Catherine[catherine_gulac@ios.doi.gov]
Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Noles, Holly A.

Sent: 2018-01-03T14:36:34-05:00

Importance: Normal

Subject: Re: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:36:42-05:00

Yes he can. What number should I have him call?

Thank you.

On Jan 3, 2018, at 2:26 PM, Gulac, Catherine <catherine gulac@ios.doi.gov> wrote:

HI Holly,

Can Mr. Jensen do a call on Friday, January 5, at 1:00pm EST?

Thanks!

Rest your vocal chords and get well soon.

Cathy

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Cc: Monahan, Aileen M.[amonahan@bhfs.com]

From: Noles, Holly A.

Sent: 2018-01-03T14:12:29-05:00

Importance: Normal

Subject: Call Request with Mr. Jim Cason **Received:** 2018-01-03T14:12:51-05:00

Hi Cathy,

I am out with the flu and have lost my voice otherwise I would call you. I need to see if a call can be arranged between Mr. Cason and Larry Jensen before the end of the week to discuss Taylor. If possible, we would like to see if Dan Jorjani can be on the phone as well but if their schedules do not align that's fine. Larry can make anytime work including after hours. Thank you in advance for your help.

-Holly Noles

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-12T15:17:25-05:00

Importance: Normal

Subject: FW: Well Risk Analysis at the MC-20 Site **Received:** 2017-12-12T15:17:39-05:00

Frace Excerp Pg s 46-54.docx

FRACE EXERP.DOCX

From: Noles, Holly A.

Sent: Tuesday, December 12, 2017 3:15 PM

To: 'Gulac, Catherine'

Subject: Well Risk Analysis at the MC-20 Site

Hi Cathy- Sending on behalf of Larry Jensen to Jim Cason.

Holly Noles

Executive Assistant

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WELL RISK WORKGROUP AND METHODOLOGY APPLIED

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Link to Schlumberger Report on probability of success for shallow IW targeting -Well Risk 2014.02.25 Schlumberger Opinion on Intercep below surface shoe.pdf

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- 2. Anti-collision issues with other wells
- 3. Shallowest ranging depth available
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- 7. Depleted sands that could initiate differential sticking or lost returns
- 8. Drilling below the completed interval in the target sand

Upon completion of the workgroup's well analysis, a vote was concluded on the percentage of "potential for successful intervention".

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See the Risk of Intervention Matrix below for a complete listing of all the drilling and plugging parameters evaluated on each and every well.

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Upon completion of the workgroup's well analysis, a vote was concluded on the percentage of "potential for successful intervention".

Intervention Risks-Plugging – Probability of Success (PoS)

The following are some of the parameters that were reviewed in order for the workgroup to agree on a plug placement procedure and a percent chance of success that an effective plug could be placed in the target well.

- 1. Length of intercept interval available
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- 9. Lack of an internal pressure test

See the Risk of Intervention Matrix below for a complete listing of all the drilling and plugging parameters evaluated on each and every well.

sylor Energy Company LLC	RISK RANKING				10
C20 Well Number	нан			COMMENTS	
OPERATIO	NAL	\$000 A A A A A A A A A A A A A A A A A A	0.000000	ALCHONY.	Non-continue to the continue of the continue o
Surface Location					
Collision with adjacent wells	- A - 1				8
Mudsides	6			6	2
Ship Collisions			_	8	15
Mooring System Fallures		20			23
Debris Field Directional/Ranging Limitations				-	0
Interference from Adjacent Wells	100	- 0		8	10 11:
Ellipse of Uncertainty					12 12
Premature Intersection	, i				8
Length of Intersection Required					
Depleted Sands	65 - 3	3 8			2.
Orientation of IW to TW		- 3			£.
Perforating Gun Orientation	100 1	0			
Inadvertant Sidetrack	- 41 - 1	- 3			
Shale Section for Intercept					
Cement Bond		- 8			×
Sufficient length		- 3			
Stuck Pipe Across Intercept Interval	(F)	1 0			2
above Target Sand	123	20			8
Drill String				6	
Logging Tools 7" Uner		- 0		9	100 102
Depleted Sands					5
Length of Intercept	- 2				8
Target Well Completion Status					
Cement Bond	62 - 1	50			0.
Packer Configuration	8 3	- 1		Š.	112 112
Gravel Pack Configuration	100				
Integrity of Tubing and Packers		- 3			
Ability to Spot Required Plugs	(2)	8		9	8
Capacity for Dual Perforations					
Welbore Plugged	- 1				8
Below Target Sand Intercept	- 0				(2) (2)
Length of Intersection Required Depleted Sands	-			8	65
Hydraulic Communication with		- 0			
Target Reservoir (outside casing)	- 1	1 50		6	0
Stuck Logging Tools, Drill String, Liner	8 8			8	140 140 161
Thickness of Target Sand	100	9			
Premature Intersection	- 8	- 3			
Abvirry to Pump-In Target Well					
Gas in Tubing	- 8	- 8			8
Reservoir Pressure		- 3			
Potential of Near Surface Seal to Fall		9			1)
Sediment Plugs					8
Degradation of Perforation Tunnels Wellbore plugged		- 0			
Environmental Event		1 3			
Integrity of Tubing and Packers	- 6				5
Potential of Near Surface Seal to Fall					
Premature Intersection		1 2			8
Mooring System Failures					
Communication with adjacent sands	15 1	8			8
Below target sand Intercept	3	3		3	7 · ·
Consequences of Environmental Event	6	1 6		6	şi.
35354-356.0001000000000000000000000000000000000	15,550,700,000,000	100 17			
RISK OF NON-INTE	RVENTIC				
			CHARLES NO.		• TO
		RISK RA	MKING		1
	HIGH	RISK RA		NA	

RISK OF NON-IN	TERVENTION			
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	RISK F	RANKING		
	HIGH MODERATI	LOW	NA	
ENVIRONM	IENTAL			
Environmental Event			S .	
Consequences of Environmental Event	62 33 2	8 36	24	

Finally, the Well Review Workgroup reached a consensus position on the probability of occurrence and consequence of an environmental event for each well in its current state, versus the probability and consequence of an environmental event for each well, should intervention be attempted. The evaluation included both the 16 remaining wells and the nine wells that were previously plugged.

WELL RISK WORKGROUP CONCLUSIONS

The members of the Workgroup agreed on the following conclusions:

- Fourteen (14) of the remaining sixteen (16) wells do not have the ability to flow. The flow rate determination on the remaining two (2) wells was 0.6 barrels of oil per day (BOPD) on well A-8 and 3.8 BOPD as a Worst Case Discharge on well A-3.
- Twelve (12) of the remaining sixteen (16) wells have sediment plugs and columns of saltwater with pressures greater than the final reservoir pressure.
- Two (2) of the remaining sixteen (16) wells have deep mechanical plugs, with one of these being well A-8.
- Only three (3) of the remaining sixteen (16) wells have wellbores where the only seal that could prevent flow is the subsurface safety valve.
- Finally, of the remaining sixteen (16) wells, fourteen (14) have the potential for cross flow if an intervention is attempted.

In all of the sixteen (16) remaining wells, the workgroup concluded that additional well intervention would result in either a higher probability of an adverse environmental event or a worse consequential environmental event or both. The probability of success (PoS) for a successful intervention ranged from 6% to 42%.

All of the nine (9) wells that had the ability to flow were plugged as a result of well intervention operations. The maximum potential flow rates on these nine wells varied from thirteen (13) BOPD to five-hundred (500) BOPD with gas rates up to 19.5 MMCFD. In these wells, prior to intervention, the probability of an environmental event and/or the consequence of

non-intervention were greater than the environmental consequences of intervention. The PoS for a successful intervention on these wells were typically higher, than the remaining sixteen (16) wells although two of the wells with the lowest PoS resulted in less than three barrels of resin being injected in each of the wells. Some potential for cross flow post intervention exists in four of the nine plugged wells. See link below for a complete tabulation for the results.

Link to Risk of Intervention Matrix - Well Risk 2013.11 TEC UC Well Review Results Matrix.pdf

Documentation supporting the Well Review workgroups evaluation on MC20 wells is listed below:

Links to all Unified Command Well Review Material on all MC20 wells listed below.

MC20 Well	Well Review Workgroup Evaluation
	(link)
A-2	Well Risk A-2.pdf
A-3	Well Risk A-3.pdf
A-6	Well Risk A-6.pdf
A-7	Well Risk A-7.pdf
A-8	Well Risk A-8.pdf
A-9	Well Risk A-9.pdf
A-12	Well Risk A-12.pdf
A-14	Well Risk A-14.pdf
A-18	Well Risk A-18.pdf
A-20	Well Risk A-20.pdf
A-22	Well Risk A-22.pdf
A-23	Well Risk A-23.pdf
A-24	Well Risk A-24.pdf
A-25	Well Risk A-25.pdf
A-26	Well Risk A-26.pdf
MC	C20Intervention Well
IW-1	Well Risk A-1.PDF
IW-4	Well Risk A-4.PDF
IW-10	Well Risk A-10.PDF
IW-11	Well Risk A-11.PDF
IW-13	Well Risk A-13.PDF
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IW-17	Well Risk A-17.PDF
IW-19	Well Risk A-19.PDF
IW-21	Well Risk A-21.PDF

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-12T15:15:27-05:00

Importance: Normal

Subject: Well Risk Analysis at the MC-20 Site **Received:** 2017-12-12T15:15:40-05:00

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 - e. High side orientation
- 7. Depleted sands that could initiate differential sticking or lost returns
- 8. Drilling below the completed interval in the target sand

Upon completion of the workgroup's well analysis, a vote was concluded on the percentage of "potential for successful intervention".

Intervention Risks-Plugging – Probability of Success (PoS)

The following are some of the parameters that were reviewed in order for the workgroup to agree on a plug placement procedure and a percent chance of success that an effective plug could be placed in the target well.

- 1. Length of intercept interval available
- 2. Is target intercept interval in a shale section
- 3. Quality of cement bond

- 4. Packer/gravel pack configuration
- 5. How will the ability to pump-in be limited by the fluid content of the tubing, sediment plugs, mechanical tubing plugs or degradation of perforating tunnels
- 6. Dual intercept requirements
- 7. Intercepts below the completed interval in the target well
- 8. Reliability of the surface seal
- 9. Lack of an internal pressure test

See the Risk of Intervention Matrix below for a complete listing of all the drilling and plugging parameters evaluated on each and every well.

sylor Energy Company LLC	RISK RANKING				10
C20 Well Number	нан	HIGH MODERATE LOW NIA (COMMENTS	
OPERATIO	NAL	\$000 A A A A A A A A A A A A A A A A A A	0.000000	ALCHONY.	Name and the state of the state
Surface Location					
Collision with adjacent wells	- A - 1				8
Mudsides	6			6	2
Ship Collisions			_	8	15
Mooring System Fallures		20			23
Debris Field Directional/Ranging Limitations				-	0
Interference from Adjacent Wells	100	- 0		8	10 13:
Ellipse of Uncertainty					12 12
Premature Intersection	, i				8
Length of Intersection Required					
Depleted Sands	65 - 3	3 8			2.
Orientation of IW to TW		- 3			£.
Perforating Gun Orientation	100 1	0			
Inadvertant Sidetrack	- 4	- 3			
Shale Section for Intercept					
Cement Bond		- 8			×
Sufficient length		- 3			
Stuck Pipe Across Intercept Interval	(F)	1 0			2
above Target Sand	123	20			8
Drill String				6	
Logging Tools 7" Uner		- 0		9	100 102
Depleted Sands					5
Length of Intercept	- 2				8
Target Well Completion Status					
Cement Bond	62 1	1 50			0.
Packer Configuration	8 3	- 1		8	112 112
Gravel Pack Configuration	100				
Integrity of Tubing and Packers		- 3			
Ability to Spot Required Plugs	(2)	8		9	8
Capacity for Dual Perforations					
Welbore Plugged	- 1				8
Below Target Sand Intercept	- 0				(2) (2)
Length of Intersection Required Depleted Sands	-			8	65
Hydraulic Communication with		- 0			
Target Reservoir (outside casing)	- 1	1 50		6	0
Stuck Logging Tools, Drill String, Liner	8 8			8	140 140 101
Thickness of Target Sand	100	9			
Premature Intersection	- 8	- 3			
Abvirry to Pump-In Target Well					
Gas in Tubing	- 8	- 8			8
Reservoir Pressure		- 3			
Potential of Near Surface Seal to Fall		9			1)
Sediment Plugs					8
Degradation of Perforation Tunnels Wellbore plugged		- 0			
Environmental Event		1 3			
Integrity of Tubing and Packers	- 6				5
Potential of Near Surface Seal to Fall					
Premature Intersection		1 2			8
Mooring System Failures					
Communication with adjacent sands	15 1	8			8
Below target sand Intercept	3 3	3		3	7 · ·
Consequences of Environmental Event	6	1 6		S.	şi.
35354-356.0001000000000000000000000000000000000	15,550,700,000,000	100 17			
RISK OF NON-INTE	RVENTIC				
			CHARLES NO.		• TO
		RISK RA	MKING		1
	HIGH	RISK RA		NA	

RISK OF NON-IN	TERVENTION			
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	RISK RANKING			
	HIGH MODERATI	LOW	NA	
ENVIRONM	IENTAL			
Environmental Event			S .	
Consequences of Environmental Event	62 33 2	8 36	24	

Finally, the Well Review Workgroup reached a consensus position on the probability of occurrence and consequence of an environmental event for each well in its current state, versus the probability and consequence of an environmental event for each well, should intervention be attempted. The evaluation included both the 16 remaining wells and the nine wells that were previously plugged.

WELL RISK WORKGROUP CONCLUSIONS

The members of the Workgroup agreed on the following conclusions:

- Fourteen (14) of the remaining sixteen (16) wells do not have the ability to flow. The flow rate determination on the remaining two (2) wells was 0.6 barrels of oil per day (BOPD) on well A-8 and 3.8 BOPD as a Worst Case Discharge on well A-3.
- Twelve (12) of the remaining sixteen (16) wells have sediment plugs and columns of saltwater with pressures greater than the final reservoir pressure.
- Two (2) of the remaining sixteen (16) wells have deep mechanical plugs, with one of these being well A-8.
- Only three (3) of the remaining sixteen (16) wells have wellbores where the only seal that could prevent flow is the subsurface safety valve.
- Finally, of the remaining sixteen (16) wells, fourteen (14) have the potential for cross flow if an intervention is attempted.

In all of the sixteen (16) remaining wells, the workgroup concluded that additional well intervention would result in either a higher probability of an adverse environmental event or a worse consequential environmental event or both. The probability of success (PoS) for a successful intervention ranged from 6% to 42%.

All of the nine (9) wells that had the ability to flow were plugged as a result of well intervention operations. The maximum potential flow rates on these nine wells varied from thirteen (13) BOPD to five-hundred (500) BOPD with gas rates up to 19.5 MMCFD. In these wells, prior to intervention, the probability of an environmental event and/or the consequence of

non-intervention were greater than the environmental consequences of intervention. The PoS for a successful intervention on these wells were typically higher, than the remaining sixteen (16) wells although two of the wells with the lowest PoS resulted in less than three barrels of resin being injected in each of the wells. Some potential for cross flow post intervention exists in four of the nine plugged wells. See link below for a complete tabulation for the results.

Link to Risk of Intervention Matrix - Well Risk 2013.11 TEC UC Well Review Results Matrix.pdf

Documentation supporting the Well Review workgroups evaluation on MC20 wells is listed below:

Links to all Unified Command Well Review Material on all MC20 wells listed below.

MC20 Well	Well Review Workgroup Evaluation
	(link)
A-2	Well Risk A-2.pdf
A-3	Well Risk A-3.pdf
A-6	Well Risk A-6.pdf
A-7	Well Risk A-7.pdf
A-8	Well Risk A-8.pdf
A-9	Well Risk A-9.pdf
A-12	Well Risk A-12.pdf
A-14	Well Risk A-14.pdf
A-18	Well Risk A-18.pdf
A-20	Well Risk A-20.pdf
A-22	Well Risk A-22.pdf
A-23	Well Risk A-23.pdf
A-24	Well Risk A-24.pdf
A-25	Well Risk A-25.pdf
A-26	Well Risk A-26.pdf
MC	C20Intervention Well
IW-1	Well Risk A-1.PDF
IW-4	Well Risk A-4.PDF
IW-10	Well Risk A-10.PDF
IW-11	Well Risk A-11.PDF
IW-13	Well Risk A-13.PDF
IW-16	Well Risk A-16.PDF
IW-17	Well Risk A-17.PDF
IW-19	Well Risk A-19.PDF
IW-21	Well Risk A-21.PDF

As a result of discussions held at the Unified Command meeting of March 9, 2012, TEC withdrew its pending Departure Request of March 24, 2010 so that additional review and analysis could be conducted by TEC, BSEE, USCG, and NOAA. At the March 9, 2012 meeting, the UC stated its intent to establish two Workgroups; a Sheen Source Workgroup that would identify the source of the ongoing sheen at MC20, and a Well Risk Workgroup that would reanalyze all twenty-five (25) wells to ensure that they were ranked appropriately for flow risks based on existing scientific and engineering knowledge.

Link to TEC's withdrawal of Departure Request 3/28/2012 - Post Intervention 2012.03.28 TEC Departure Request Withdrawal.pdf

WELL RISK WORKGROUP AND METHODOLOGY APPLIED

The purpose of the Well Risk Workgroup was to review the technical challenges and environmental risk potential if further intervention were to occur on the 16 remaining MC20 wells. The workgroup thoroughly analyzed the environmental risk of leaving the remaining wells in their current status. The workgroup also performed an identical analysis on the nine wells where intervention was completed using the same criteria.

The workgroup met twice a month from April 2012 to October 2012.

BSEE members participating in Well Review Workgroup sessions included: Paul Barbre, Mike Prendergast, Steve Walsh, Chuck Holman and Lynne Richter.

Taylor members participating in Well Review Workgroup sessions included: William Pecue II, Norman Duplantis, Jerry Alexander, Brian Windham representing Platt Sparks and Don Shackelford representing Boots and Coots.

REVIEW OF RESERVOIR PARAMETERS

The Well Review Workgroup analyzed the following information:

 Reservoir pressures at the time of Hurricane Ivan were reviewed as well as the stabilized final reservoir pressures on all completions.

- Multiple well completions in the same reservoir were identified. Hydrocarbon depleted reservoirs (now 100% saltwater) were documented.
- The worst case discharge (oil, water, & gas) for all wells capable of flow at the final reservoir pressure was reviewed.
- The influence of seawater into the wellbore and at the perforations was determined.
- All wells with reduced BHP's that would allow seawater to flow into the reservoir were identified, as these wells would become plugged with sediment over time.

Further, all well test including the final well test by zone, cumulative production by zone and all shut-in BHP's by reservoir were reviewed and when necessary, used to justify reservoir performance and stabilized pressures.

Both TEC and BSEE records were reviewed and any differences resolved. Any differences between the Wiggins, Kelkar, Platt Sparks and Colin Stuart reports were also resolved.

Chuck Holman with BSEE reviewed the available seismic data in order to explain or better justify some of the reservoir interpretations. Three presentations were made. The first was on the KRA and LRG reservoirs. The workgroup questioned whether A-25 and A-26 were in the same reservoirs and if the water production in A-25 was extraneous. It was concluded that they were in the same reservoir and that the water production in A-25 appeared to be extraneous of the LRG reservoir.

The second seismic review was of wells A-2, A-10 and A-18 in the L3-RA reservoir. Once production was initiated in these three wells in the L3-RA reservoir, the reservoir pressures in A-10 and A-18 were consistently higher than in A-2. The seismic review indicated that while the completed intervals in the three wells were all in the same depositional plane; A-2 was in a separate channel from A-10 and A-18 and appeared to have less aquifer support than A-10 and A-18.

The third review was of the reservoirs that the nine plugged wells were completed in and the potential for behind pipe flow in the remaining hydrocarbon reservoirs in the wellbore. The evaluation further justified previous reservoir interpretations and evaluations.

Links to BSEE Reservoir Reviews from UC Well Review Team Mtg

BSEE's Reservoir Review			
Conducted during UC Well Review Workgroup prepared and Presented by Chuck Holman,			
BSEE Geoscientist			
KRA and LRG	A20, A25, A26	Well Risk 2012.09.05 BOEM Reservoir review	
Sands		MC20 A20-A26 KRA, LRG SND.pptm and	
L3-RA Sands	A-2, A-10, A-18	Well Risk 2012.09.05 BOEM Reservoir review	
		MC20 A2, A10, A18 L-3 RA.pptm	
P&A'd Wells	A1, A4, A10, A11, A13,	Well Risk 2012.10.17 BOEM Reservoir review	
	A16, A17, A19, A21	MC20 1,4,10,11,13,16,17,19,21.pdf	

WELL CONSTRUCTION

In addition to reviewing reservoir parameters, the Workgroup also looked at historical well construction documentation to determine the mechanical status of all wells prior to Hurricane Ivan. Cement operations for all casing strings were reviewed and verified, and the workgroup evaluated cement bonds using cement bond logs where available that were interpreted by an outside expert from Halliburton's cased-hole logging division.

The potential for hydrocarbon flow, primarily gas from shallow zones, was also considered and discussed. The workgroup reviewed potential hydrocarbon zones from the bottom of the surface casing to the current completion zone. The basis for this review was a study titled "Assessment of Potential Remaining Hydrocarbon Bearing Formations" prepared in January, 2012, by Brian Windham with PS&A. A review of the sustained casing pressure history on all annuli was conducted. Comparisons were made between both the BSEE and Taylor data sets.

Link to Assessment of Potential Remaining Hydrocarbon Bearing Formations – Platt Sparks Jan, 2012 –<u>Well Risk</u> 2012.01.10 Platt Sparks Assmt of Potent Remain HydroCarb Formations.pdf

Link to TEC sustained casing pressures prior to MC20 platform failure- $\underline{\text{Well Risk 2004.08.31 Taylor Wellhead}}$ and Conditions $\underline{\text{rpt.pdf}}$

During this review, specific reference was made to the existence of shallow gas zones encountered in early platform wells that were drilled by Sohio in the 1980's and in the original

design and surface casing on Wells A-1, A-2 and A-3 that were set at approximately 4,000'. Drilling records reflect problems with shallow gas while drilling in the 3,500' 4,000'intervals. In fact, on well A-3, drilling records reveal that gas was actually flowing while the drill crew was tripping pipe, which required activation of the diverter to handle the influx. Subsequently, surface casing on subsequent wells was set at 3,500' to avoid the shallow gas exposure.

Another area of discussion by the workgroup involved potential intervention at depths just below the surface casing shoe to address potential gas channeling observed from sustained casing pressure records. Intervention at shallow depths above 5,000' was thoroughly evaluated and determined to be impracticable and unsafe due to low fracture gradients and the high well density in a relatively small horizontal cross section area.

Link to Schlumberger Report on probability of success for shallow IW targeting –Well Risk 2014.02.25 Schlumberger Opinion on Intercep below surface shoe.pdf

INTERVENTION RISK-DRILLING - PROBABILITY OF SUCCESS (POS)

The following parameters were reviewed in order for the Well Review workgroup to determine a probability of success that the intervention well could be effectively drilled to total depth:

- 1. Surface Restrictions/limited rig locations
- 2. Anti-collision issues with other wells
- 3. Shallowest ranging depth available
- 4. Length of desired target
- 5. Reliability of survey of target well
- 6. High angle concerns that could affect
 - a. Ranging
 - b. Hole stability
 - c. Hole cleaning
 - d. Open hole logging
 - e. High side orientation
- 7. Depleted sands that could initiate differential sticking or lost returns
- 8. Drilling below the completed interval in the target sand

Upon completion of the workgroup's well analysis, a vote was concluded on the percentage of "potential for successful intervention".

INTERVENTION RISKS-PLUGGING - PROBABILITY OF SUCCESS (POS)

The following are some of the parameters that were reviewed in order for the workgroup to agree on a plug placement procedure and a percent chance of success that an effective plug could be placed in the target well.

- 1. Length of intercept interval available
- 2. Is target intercept interval in a shale section
- 3. Quality of cement bond
- 4. Packer/gravel pack configuration
- 5. How will the ability to pump-in be limited by the fluid content of the tubing, sediment plugs, mechanical tubing plugs or degradation of perforating tunnels
- 6. Dual intercept requirements
- 7. Intercepts below the completed interval in the target well
- 8. Reliability of the surface seal
- 9. Lack of an internal pressure test

See the Risk of Intervention Matrix below for a complete listing of all the drilling and plugging parameters evaluated on each and every well.

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov];

hnoles@bhfs.com[hnoles@bhfs.com]

From: Google Calendar

Sent: 2017-12-13T12:25:39-05:00

Importance: Normal

Subject: [Update] External Meeting - The Northeast MAGLEV Co.

Received: 2017-12-13T12:25:45-05:00

Hi Holly,

I have a scheduling conflict on Todd's calendar. Can your group come in earlier, at 10:30 -11:00 for their meeting?

Please call me at 202-208-1739.

Thanks!

Cathy

External Meeting - The Northeast MAGLEV Co.

Attendees: Luke Johnson Jefferey Hirschberg Ian Raimey David Henley

The purpose of the meeting is to discuss a superconducting magnetic levitation train in the Northeast Corridor, starting in DC. It would be an overview of the project as well as a discussion about a preliminary alternatives report that will be coming out soon. They have met with local, on the ground National Park Service personnel.

Holly Noles
Executive Assistant
Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

When Thu Dec 14, 2017 11:30am – 12pm Eastern Time

Where 6120 (map)

Video call (b) (5), (b) (6)

Who catherine gulac@ios.doi.gov organizer

- daniel.jorjani@sol.doi.gov
- jason_larrabee@ios.doi.gov
- todd willens@ios.doi.gov
- tasha_l_robbins@ios.doi.gov optional
- maureen_foster@ios.doi.gov optional

- marigrace.caminiti@sol.doi.gov optional
- thomas_garcia@nps.gov optional

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-12T10:54:12-05:00

Importance: High

Subject: Capt. Wayne Arguin Contact Information **Received:** 2017-12-12T10:54:43-05:00

Capt Wayne Arguin.vcf

Hi Cathy- Mr. Cason has requested the attached contact information from Larry Jensen based on their call last night. Can you please pass it along? Thank you.

Holly Noles
Executive Assistant
Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

Capt Wayne Arguin

```
(Work Preferred Voice)
(504) 365-2211
                     (Voice Cell)
wayne.r.arguin(b) (5), (b) (6)
                                 ( Preferred Internet )
Version
       3.0
PRODID
       -//Apple Inc.//iPhone OS 11.1.2//EN
Name
              Family: Arguin
                First: Capt
              Middle: Wayne
               Prefix:
               Suffix:
Formatted Name
       Capt Wayne Arguin
Organization
       USCG
Title
       Deputy Sector Commander
Electronic Mail Address
                          ( Preferred Internet )
       wayne.r.arguin@uscg.mil
Telephone Number
                      (Work Preferred Voice)
       (504) 365-2211
Telephone Number
                      (Voice Cell)
```

From: Noles, Holly A.
Location: 6113
Importance: Normal

6pm - 6:30pm (EST) (hnoles@bhfs.com)

Start Date/Time: 2017-12-11T18:00:00-05:00 **End Date/Time:** 2017-12-11T18:30:00-05:00

From: catherine_gulac@ios.doi.gov

Location: 6113 Importance: Normal

Subject: Invitation: Jim Cason to call Larry Jensen @ (b) (6) @ Mon Dec 11, 2017 6pm -

6:30pm (EST) (hnoles@bhfs.com)

Start Date/Time: 2017-12-11T18:00:00-05:00 **End Date/Time:** 2017-12-11T18:30:00-05:00

invite.ics

more details »

Jim Cason to call Larry Jensen @ (b) (6)

When Mon Dec 11, 2017 6pm 6:30pm Eastern Time

Where 6113 (map)

Video call (b) (5), (b) (6)

Calendar hnoles@bhfs.com

Who

- catherine gulac@ios.doi.gov organizer, optional
- james cason@ios.doi.gov
- hnoles@bhfs.com

Going? Yes Maybe No more options »

Invitation from Google Calendar

You are receiving this courtesy email at the account hnoles@bhfs.com because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.

Jim Cason to call Larry Jensen @ (b) (6) 6113 20171211T230000Z CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20171211T230000Z

End Date/Time

20171211T233000Z

DTSTAMP

20171211T174004Z

ORGANIZER (CN=catherine_gulac@ios.doi.gov)

mailto:catherine_gulac@ios.doi.gov

UID

2c1j1dagbdrddbkpjpf1fp25ad@google.com

Attendee mailto:james cason@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

Attendee mailto:catherine gulac@ios.doi.gov

Role OPT-PARTICIPANT

RSVP TRUE

Attendee mailto:hnoles@bhfs.com

Role REQ-PARTICIPANT

RSVP TRUE

CREATED

20171211T174004Z

Description

Please do not edit this section of the description.

This event has a Google Hangouts video call.

Join: (b) (5), (b) (6)

(b) (5), (b) (6)

View your event at

https://www.google.com/calendar/event?action=VIEW&eid=MmMxajFkYWdiZHJkZGJrcGpwZjFmcDI1YWQgaG5vbGVzQGJoZnMuY29t&tok=MjcjY2F0aGVyaW5lX2d1bGFjQGlvcy5kb2kuZ292MmY4YTU1MzY1ZjMzYTI2NTdhM2Q3NzVmZGUyZWE1MDQyNDczYTA4Mw&ctz=America/New_York&hl=en.

Last Modified

20171211T174004Z

Location

6113

Sequence Number

0

Status

CONFIRMED

Summary

Jim Cason to call Larry Jensen @ (b) (6)

Time Transparency

OPAQUE

From: Noles, Holly A.
Location: 6113
Importance: Normal

6pm - 6:30pm (EST) (hnoles@bhfs.com)

Start Date/Time: 2017-12-11T18:00:00-05:00 **End Date/Time:** 2017-12-11T18:30:00-05:00

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-11T12:34:20-05:00

Importance: Normal

Subject: Read: Re: Cason Phone Call with Larry Jensen

Received: 2017-12-11T12:34:53-05:00 Read Re Cason Phone Call with Larry Jensen

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-11T12:34:20-05:00

Importance: Normal

Subject: Read: Re: Cason Phone Call with Larry Jensen

Received: 2017-12-11T12:34:20-05:00

Your message

To: Noles, Holly A.

Subject: Re: Cason Phone Call with Larry Jensen

Sent: Monday, December 11, 2017 12:32:43 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, December 11, 2017 12:34:20 PM (UTC-05:00) Eastern Time (US & Canada).

From: catherine_gulac@ios.doi.gov

Location: 6113 Importance: Normal

Subject: Invitation: Jim Cason to call Larry Jensen @ (b) (6) @ Mon Dec 11, 2017 6pm -

6:30pm (james_cason@ios.doi.gov)

Start Date/Time: 2017-12-11T18:00:00-05:00 **End Date/Time:** 2017-12-11T18:30:00-05:00

invite.ics

more details »

Jim Cason to call Larry Jensen @ (b) (6)

When Mon Dec 11, 2017 6pm 6:30pm Eastern Time Where 6113 (map)

Video call

Calendar james cason@ios.doi.gov

Who

Going? Yes Maybe No more options »
Invitation from Google Calendar

You are receiving this email at the account james cason@ios.doi.gov because you are subscribed for invitations on calendar james cason@ios.doi.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.

catherine gulac@ios. hnoles@bhfs.com james cason@ios.do

Jim Cason to call Larry Jensen @ (b) (6) 6113 20171211T230000Z CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20171211T230000Z

End Date/Time

20171211T233000Z

DTSTAMP

20171211T174004Z

ORGANIZER (CN=catherine_gulac@ios.doi.gov)

mailto:catherine_gulac@ios.doi.gov

UID

2c1j1dagbdrddbkpjpf1fp25ad@google.com

Attendee mailto:catherine gulac@ios.doi.gov

Role OPT-PARTICIPANT

RSVP TRUE

Attendee mailto:hnoles@bhfs.com

Role REQ-PARTICIPANT

RSVP TRUE

Attendee mailto:james cason@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

CREATED

20171211T174004Z

Description

Please do not edit this section of the description.

This event has a Google Hangouts video call.

Join: (b) (5), (b) (6)

(b) (5), (b) (6)

View your event at

https://www.google.com/calendar/event?action=VIEW&eid=MmMxajFkYWdiZHJkZGJrcGpwZjFmcDI1YWQgamFtZXNfY2Fzb25AaW9zLmRvaS5nb3Y&tok=MjcjY2F0aGVyaW5IX2d1bGFjQGlvcy5kb2kuZ292MTY4Y2FhMDY1NmE2YTQ4NzgzNTA1YTgyYjMyODFmYzA1OTNmNmI0NQ&ctz=America/New_York&hl=en

Last Modified

20171211T174004Z

Location

6113

Sequence Number

0

Status

CONFIRMED

Summary

Jim Cason to call Larry Jensen @ (b) (6)

Time Transparency

OPAQUE

To: Noles, Holly A.[HNOLES@bhfs.com]

From: Gulac, Catherine

Sent: 2017-12-11T12:32:43-05:00

Importance: Normal

Subject: Re: Cason Phone Call with Larry Jensen **Received:** 2017-12-11T12:32:50-05:00

Hi Holly,

I just left a voice mail for you.

Do you have a number for Mr. Jensen? Mr. Cason can call him at 6:00pm this afternoon. Thanks. Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Mon, Dec 11, 2017 at 11:56 AM, Noles, Holly A. <HNOLES@bhfs.com> wrote:

Hi Cathy- I need to see if there is any way that we could possibly move up Thursday's 1:30PM phone call as Larry just let me know that this is urgent. Larry can also hop on a plane tonight and meet Mr. Cason in the morning for breakfast if he is free. I'm stepping out for a few moments to pick up lunch, please feel free to give me a call on my cell (b) (6) Thank you for your help.

Holly Noles

Executive Assistant **Brownstein Hyatt Farber Schreck, LLP**1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

To: Gulac, Catherine[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-11T12:35:28-05:00

Importance: Normal

Subject: Re: Cason Phone Call with Larry Jensen **Received:** 2017-12-11T12:35:59-05:00

That would be great! His number is (b) (6) Thank you so much.

On Dec 11, 2017, at 12:32 PM, Gulac, Catherine <catherine gulac@ios.doi.gov> wrote:

Hi Holly, I just left a voice mail for you.

Do you have a number for Mr. Jensen? Mr. Cason can call him at 6:00pm this afternoon. Thanks.

Cathy

Catherine Gulac
U.S. Department of the Interior
Office of the Deputy Secretary
1849 C St, NW, MS 7328
Washington, D.C. 20240
202 208 6291 Office / 202 208 1739 Direct / 202 208 1873 Fax
Catherine Gulac@ios.doi.gov

On Mon, Dec 11, 2017 at 11:56 AM, Noles, Holly A. <<u>HNOLES@bhfs.com</u>> wrote:

Hi Cathy- I need to see if there is any way that we could possibly move up Thursday's 1:30PM phone call as Larry just let me know that this is urgent. Larry can also hop on a plane tonight and meet Mr. Cason in the morning for breakfast if he is free. I'm stepping out for a few moments to pick up lunch, please feel free to give me a call on my cell (b) (6) Thank you for your help.

Holly Noles

Executive Assistant **Brownstein Hyatt Farber Schreck, LLP**1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

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To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-11T11:56:52-05:00

Importance: High

Subject: Cason Phone Call with Larry Jensen **Received:** 2017-12-11T11:58:05-05:00

Hi Cathy- I need to see if there is any way that we could possibly move up Thursday's 1:30PM phone call as Larry just let me know that this is urgent. Larry can also hop on a plane tonight and meet Mr. Cason in the morning for breakfast if he is free. I'm stepping out for a few moments to pick up lunch, please feel free to give me a call on my cell (6) (6) Thank you for your help.

Holly Noles

Executive Assistant

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To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-08T08:09:55-05:00

Importance: Normal

Subject: Read: Re: Meeting Request for Mr. Todd Willens

Received: 2017-12-08T08:10:07-05:00 Read: Re: Meeting Request for Mr. Todd Willens

To: catherine_gulac@ios.doi.gov[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-08T08:09:55-05:00

Importance: Normal

Subject: Read: Re: Meeting Request for Mr. Todd Willens

Received: 2017-12-08T08:09:55-05:00

Your message

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Sent: Friday, December 08, 2017 7:20:14 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Friday, December 08, 2017 8:09:55 AM (UTC-05:00) Eastern Time (US & Canada).

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-08T12:56:00-05:00

Importance: Normal

Subject: RE: Meeting Request for Mr. Todd Willens **Received:** 2017-12-08T12:56:15-05:00

Hi Cathy- Thank you for your response. Would it be possible to still meet at some point next week even if that means that all three attendees on Interior's end aren't there? Maglev is concerned about timing in regard to a preliminary report coming out so the earlier the better. Do you think we could keep the same meeting time and have Mr. Larrabee and Mr. Jorjani there? Please feel free to give me a call if you would rather discuss over the phone-(6) (6)

Holly Noles

Executive Assistant

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From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Friday, December 08, 2017 7:20 AM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Good morning Holly,

I hope you haven't sent the calendar invite to the attendees. The Thursday, Dec 14, 1:00 p.m. meeting time I offered just got bumped by the Deputy Secretary's schedule.

Todd has now been required to attend a meeting with the Deputy Secretary.

The next available times are: Monday, Dec 18, 1:00 Thursday, Dec 21, 11:00 and 1:00

As soon as possible, please let me know which time works best for your group because I have not put a hold on any of the above times.

Thank you. Cathy

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Catherine Gulac@ios.doi.gov

On Thu, Dec 7, 2017 at 5:30 PM, Noles, Holly A. < HNOLES@bhfs.com wrote:

Hi Cathy- I'm about to send out the calendar invite to the attendees and I just wanted to make sure were are locked in for this time. Thank you!

Holly Noles

Executive Assistant

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From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, December 05, 2017 4:34 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Hi Holly,

Please let me know if your group can make a 1:00 p.m. meeting on Thursday, Dec 14. Todd would like to invite Dan Jorjani (SOL) and Jason Larrabee (AS/FWP) and this is the only block of time when all three are available.

Thanks! Cathy

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On Tue, Dec 5, 2017 at 3:32 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote:

The purpose of the meeting is to discuss a superconducting magnetic levitation train in the Northeast Corridor, starting in DC. It would be an overview of the project as well as a discussion about a preliminary alternatives report that will be coming out soon. They have met with local, on the ground National Park Service personnel.

Holly Noles

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From: Gulac, Catherine [mailto:catherine gulac@ios.doi.gov]

Sent: Tuesday, December 05, 2017 3:19 PM

To: Noles, Holly A.

Subject: Re: Meeting Request for Mr. Todd Willens

Hi Holly,

What is the purpose of the meeting and have they worked with anyone else/bureau/office at DOI?

Thanks.

Cathy

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Catherine Gulac@ios.doi.gov

On Tue, Dec 5, 2017 at 3:16 PM, Noles, Holly A. < <u>HNOLES@bhfs.com</u>> wrote: Hi Cathy- We spoke on the phone this morning about a meeting with Mr. Willens and The Northeast Maglev. If the 10-11AM spot next Thursday, December 14th is still available we will gladly take it. Attendees will include:

The Northeast Maglev
Jeffrey Hirschberg
Ian Rainey
David Henley

Brownstein Hyatt Farber Schreck

Luke Johnson

If you need any other information please let me know. Thank you for your help with this.

-Holly

Holly Noles

Executive Assistant

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Washington, DC 20004

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HNOLES@bhfs.com

To: 'Gulac, Catherine'[catherine_gulac@ios.doi.gov]

From: Noles, Holly A.

Sent: 2017-12-08T14:47:55-05:00

Importance: Normal Subject: Missed Call

Received: 2017-12-08T14:48:07-05:00

Hi Cathy- I'm sorry I missed your call. I am at my desk whenever you are available.

Holly Noles

Executive Assistant

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